

**DYNAMICS OF IDENTITY POLITICS:
A CASE STUDY OF OLD SETTLERS IN SIKKIM**

*Dissertation Submitted to Sikkim University
for the Partial Fulfilment of Award of the Degree of*

MASTER OF PHILOSOPHY

Submitted by

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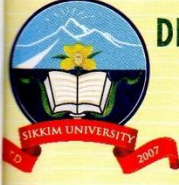
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DEPARTMENT OF PEACE & CONFLICT STUDIES & MANAGEMENT

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SIKKIM UNIVERSITY

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DECLARATION

I declare that the dissertation entitled “**Dynamics of Identity Politics: A Case Study of Old Settlers in Sikkim**” submitted to Sikkim University for the award of the degree of **Master of Philosophy**, is my original work. This dissertation has not been submitted for any other degree of this University or any other University.

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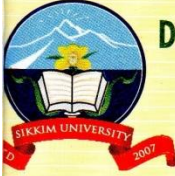
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CERTIFICATE

This is to certify that the dissertation entitled “**Dynamics of Identity Politics: A case study of Old Settlers in Sikkim**” submitted to **SIKKIM UNIVERSITY** in partial fulfillment of the requirement for the degree of **Master of philosophy** in Social Sciences embodies the results of *bona fide* research work carried out by **Ms. Naina Thatal** under my guidance and supervision. No part of the thesis has been submitted for any other degree, diploma, associate-ship and fellowship.

All the assistance and help received during the course of the investigation have been duly acknowledged by her.

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Naina Thatal

Abbreviations

AASAA	All Adivasi Students' Association of Assam
ABSU	All Bodo Students' Union
AJKS	Anushuchit Jati Kalyan Sangh
AOSS	Association of Old Settlers in Sikkim
BAC	Bodoland Autonomous Council
BGP	Bharatiya Gorkha Parishangh
BLTF	Bodo Liberation Tiger Force
BPAC	Bodo Peoples' Action Committee
BTC	Bodoland Territorial Council
COI	Certificate of Identification
DGHC	Darjeeling Gorkha Hills Council
GJM	Gorkha Janamukti Morcha
GNLF	Gorkha National Liberation Front
IT	Income Tax
MNF	Mizo National Front
PTCA	Plain Tribal Council of Assam
SDF	Sikkim Democratic Front
SLP	Sikkim Liberation Party
SKM	Sikkim Krantikari Morcha
SNJSS	Sikkimey Nepali Jatiya Sangharsha Samiti
SNPP	Sikkim National People's Party
SSC	Sikkim Subject Certificate
ST	Schedule Tribe
ULFA	United Liberation Front of Assam
UN	United Nation
USSR	Union of Soviet Socialist Republics
USA	United States of America

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Chapter- I

INTRODUCTION

The formation of Sikkim state and its merger with the Indian Union have given rise to numerous conflicts in Sikkim. In wake of this, the Sikkim Subject Regulation Act was enacted in 1961 and the Sikkim Subject Certificate (SSC) was allotted to the bonafide residents of Sikkim. This act of citizenship grants rights to a large section of the population while it deprives the other sections of society from such rights. The Government of India has recently proposed amendment to the finance Act 2008, to make income tax payable in Sikkim by all those who do not hold Sikkim subject status.

The people with expertise in business and trade migrated to Sikkim with the motive of establishing business. The workers and other people who were brought to assist or accompanied these businessmen also assimilated and became the part of the community. These people have now formed an organization called Association of Old Settlers in Sikkim (AOSS) which basically wants to acquire these rights provided by the Sikkim Subject Regulation Act of 1961. Considering the fact that this community was denied citizenship during the Chogyal (king)'s reign because they were considered as outsider traders who have the potential for demographic change in the state of Sikkim.

With the passage of time the situation has transformed and the business community known as the 'Old Settlers' who actually are the traders and are settled in Sikkim are trying to get access to all the rights and benefits of the state. About 5 per cent of Sikkim's total population constitutes Old settlers of Indian Origin. The demographic profile of Sikkim, according to the 2004 voters' list, shows that Bhutia-Lepcha (STs) are about 20.64 per cent of the population, Nepalese constitute 69.71 per cent, Sherpa's' are 4.31 per cent and others make up 5.34 per cent (old settlers: 1.5 per cent and migrants: 3.84 per cent).

The year 1975 led to the emergence of new dimension in the history of Sikkim. With the merger of Sikkim in India, a cut off year was set for the safeguarding the communities domiciling in the state since pre-merger period. The cut off year set a horizontal line between insiders and outsiders in post merger period in the state. The Sikkim Subject were issued to pre-merger citizens of the state and on the basis of state subject under the

provision of the 36th amendment of Indian Constitution which advocates the special safeguards to people of Sikkim enshrining article 371(F), communities for tax exemption and tax non-exemption were categorized. In such categories certain number of old business community members who are presently known as Old Settlers fall outside the provision of tax exemption. This effectively led to the mobilization of the Old Settlers seeking justice. The community brought the issue to Supreme Court forming an association named Association of Old Settlers of Sikkim. The Writ petition (Civil) No 59/2013 filed by AOSS & others in the Supreme Court seeking justice in matters of income tax exemption for the old settlers has been under continuous discussion and debate by the Society at large. Time and again concerns have been voiced against the use of certain words and phrases and against the plea requesting for striking off the exemption granted to the people of Sikkim if the old settlers are not exempted which obviously have hurt the sentiments of the Sikkimese.

The age old historical community is in the fear of losing their identity instigated by the loopholes in the merger provisions. The people of Indian origins residing in Sikkim since the time of Chogyal's reign in state have not been brought to the purview of income tax exemption. By this exclusion from tax provisions they have a deep grievance that they are often considered as 'outsiders'. On this backdrop, the community known as Indian origin who have not been exempted from the payment of income tax initiated the formation of Association of Old Settlers of Sikkim (AOSS). The association has filed a petition in Supreme Court of India in which the interpretation of language that was used in the petition has brought the problem to Sikkimese identity on socio-political surface in state. The Certificate of Identification (C.O.I) holder domiciles started agitation against the language when interpretation of terms used in petition was perceived as a threat to the existence of Sikkimese identity.

Rationale and Scope of the Study

The issues of mobilization and politics associated to identity have been hotly debated subject matter in scholarly arena. The world has witnessed number of conflicts both violent and peaceful in nature time by time. Specially, the northeastern part of country is affected in every passing day in one or other ways. For more than five decades, situation in North-east India is a matter of great concern for the states as well as for the centre. One of the reasons for such concern is the growing assertion of various ethnic groups and its impact on the politics of the region. In North-East India, different ethnic groups have been struggling either for special constitutional safeguard or for the creation of separate political entities on the basis of their lingo-cultural identities. With the passage of time, the number of disgruntled groups asserting for such rights has gone up.

Sikkim one of the states in northeastern region is popular with its peaceful existence or the peaceful coexistence of various communities in comparison to other states in the region. But in recent time in the state, there have socio-political mobilization by some communities raising the issues of discrimination and marginalization where the issue raised by the organization claim to represent Old Settlers shows similar front. The organization AOSS, shows the disagreement over the differentiation regarding tax exemption between the community it claim to represent and others. The move of the organization and its way presentation of issue found to be controversial by other dominant communities in the state. The communities which see challenge to their identity because of the issue raised by Old Settlers argue that the Sikkimese identity and the very existence of prevailed peace would be affected if the controversial language used by AOSS is mishandled.

The argument put forwarded by representatives of Old Settlers in making their identity and constitutional safeguards is growing as a source contention among other community of populace. But the issue could receive a rare response from the policy mechanism of state and centre. Equally the academic involvement which could help to understand the underlying potential source of conflict is also found silent or unnoticed. Hence the issue necessitates a systematic research to find out the problem related to this and ongoing work is an attempt to address the same in this regard. This work may help to policy

formulators and governmental agencies to analyze and address disgruntling groups. It may also help to bring the attention of other agency and experts to look into the matter in systematic and effective way.

Identity Politics: A Theoretical Overview

The Identity Politics has become one of the most widely debated issues in the contemporary political and academic discourses. It is a phenomenon that arose out of the shared experiences of injustice and marginalization of certain sections of the society. Sandhya Goswami writes that the demand is for respect or recognition as a different group with separate political arrangement, more economic, educational or job facilities on the basis of their distinct lingo-cultural identities (Goswami, 1997:39). The sense of identity and its mobilization occurs in a group when it perceives or identifies that it is being marginalized or deprived in the society. George De Vos adds that when such identity mobilization is perceived as threat over the socio-political and economic status of other previously privileged community, it may lead to the competition, conflict and identity polarization between two or more ethnic groups in a multi-ethnic society (Vos, 1975:88).

A multi-ethnic society can be understood as a mixed existence of homeland societies and Diaspora communities. The groups belonging to homeland societies are the long time occupant of a particular place. They claim for a moral right to rule themselves which is backed by their historical and archeological evidences (Phadnis and Ganguly, 2001:90,101). In this regards, Paul Brass argues that an ethnic group is any group of people dissimilar from other people in terms of objective cultural criteria and containing within its membership. According to him mobilization of ethnicity involves the claims and demands for recognition and status as a superior group or as a group at least equal to other groups' (Brass, 1999). According to Birendranath Datta, that the distinctiveness of identity in regard of ethnicity and its mobilization may originate from separate language, culture, traditions and social customs (Datta, 1990: 32).

In this regard, Thomas Hylland Eriksen explains that identity; particularly the ethnicity identity and the ethnic ridden conflicting societies are divided into the demarcation of cultural boundary of contesting groups (Eriksen, 1993:60). Dipankar Gupta in his book

The Context of Ethnicity: Sikh Identity in a Comparative Perspective brings into concern that the perception of threat creates the barriers and diversification into two different groups and results in mobilization and competition which turns to be “us” and “them”. When the case of homeland societies and Diaspora ethnic societies comes in this light, their issue is seen to be turn into case of ‘insiders’ and ‘outsiders’ (Gupta, 1996:55).

Addressing the identity problem those persist in Northeastern region, Walter Fernandez finds out that the migration occurred during the colonial and the post colonial period has been one of the basic causes of conflict in north-eastern region of India. The impact of the migration as threat to the existence of identity that is being perceived local or host communities could be reflected in episodic instances of violent conflict (Fernandez, 2007:40). The finding of Walter Fernandez receives a justification when a violent conflict and casualties which occurred in Bodoland Territorial Council (BTC), the western part of Assam in 2012 is brought as an example. A fresh episode of recurrent violence took place in Bodo dominated area during the period between July and September 2012. The violent conflict sparked over the dispute of ‘insider’ vs. ‘outsiders’ between Bodos and alleged Bangladeshi¹ on July 6, 2012 resulting 87 deaths, burning down of 244 villages of 5,000 houses comprising 45,000 families and pushed nearly 5 lakhs victims into various shelter camps in Dhubri, Kokrajhar and Chirang district as internally displaced (Chhetry, 2013:65). Susan Olzak observes that group mobilization for identity will occur when social and territorial boundary between groups breaks down. As these barriers weakens, level of competition for valued resources increases and group boundaries are heightened leading groups to engage in collective efforts to gain access to or defend resources (Olzak,1990:101).

Evolution and Growth of Sikkimese Society

G.V.K. Grover writes that the political history of Sikkim begins right from 1642 AD. During the days of Phungtsog Namgyal, the founder of Sikkim, the expansion of Sikkim was continued and it stretched up to the Arun river of present eastern Nepal till the day of 1706 AD (Grover, 1974:66,68). A. S. Rahman in his work *The Beautiful India: Sikkim*, says that the treaties in history between Sikkim and the colonial administration

¹ The Bangla-speaking Muslim community in western Assam is alleged to be Bangaldeshi encroachers.

encouraged people of Nepal to migrate for economic development in this hill region especially in Darjeeling the adjoining parts of Sikkim and it made to receive a good flow by Sikkim (Rahman, 2006:89). Similarly, explains that the frequent reallocation of boundary and power budget between the three Himalaya states, the population and cultural variety acquired a space for the mobility and expansion in each of the state (Barah, 2007:14).

B. Das argues that the age old historical evidences showed that the mobility and expansion of population with their existing culture resulted in presence a mixed society dominantly of Bhutia, Lepcha and Nepali/Gorkha in Sikkim with their custom, culture and religion (Das, 1983:57). A.C. Sinha discusses about the story of Sikkim from its hoary past to the present and reports as to how the Tibetans, Nepalese, and the British dealt with Sikkim leading to eclipse of its autonomous entity (Sinha, 2008:10).

Discussing the present socio-political scenario of the state, in his critical assessment Jigme N. Kazi writes about the situation which brings Sikkimese identity in question. He has the opinion that through the gradual and systematic dilution of Article 371F, a special provision in the Constitution for Sikkim, has lead a situation questioning Sikkimese identity within its own state (Kazi, 1993:81). A. Datta has examined the demographic changes and the developments in the state post-merger specially focussing on socio-economic developments, education and other activities (Datta, 1991:45). Presently, the Nepali/Gorkhas are the largest group comprising of the 70% of the total Population. The Bhutia covers 14% of the population and it comprises of Sikkim's Bhutia and Bhutia from Bhutan and Tibet. The Lepchas are original inhabitant of state having the population of 7% (Census, 2011:30). Similarly, there is also a group of traders and businessmen who are dominantly hindi-speaking population which constitutes a visible presence in within the greater Sikkimese identity.

Old Settlers Issue and Identity Politics in Sikkim

G. H. Joshi in his work *Sikkim: Past and Present* says that that business prospect in Sikkim and its geographical location had become a preferable spot for migration of the community of Indian origin dominantly from Hindi-speaking community. The geographical existence of the state had been favorable for developing a close commercial

intercourse with Nepal, Bhutan, and Tibet through Sikkim during the days of monarchical Sikkim and still (Joshi, 2004:73). In this regards, Biraj Adhikari, explains that the constitutional status Sikkim should have. Union of India is a union of states in which each state has different rights and status. The Sikkimese are getting outnumbered due to influx of people from outside, that's happening not only in Sikkim but also in Assam, West Bengal and many other parts of the country which is going to be the huge problem in future (Adhikari, 2010:61).

A. C. Sinha finds that the business community living since prior to India sovereignty into Sikkim, there are other newer business community are living in present Sikkim with a considerable flow of migration of this community under "Sikkim work-permit regulation" (Sinha, 1975). The traders in Sikkim are a group of people who migrates from one place to another in search of buying or selling commodity which is mainly for economy purposes and the case Sikkim is not free from this dynamic (Basnet, 1984:34).

Substantiating L. Basnet, S. Datta Ray writes that that the history of Sikkim shows that it had a history of linkage between Sikkimese people with the people of Indian origin since before it became a federal unit of India in 1975 (Datta, 2013:56). Similarly, Jigme N. Kazi in his one of the books on Sikkim, *Inside Sikkim: Against the tide* argues that over thirty years since the controversial merger of the former kingdom with the Indian Union in 1975, the Sikkimese people have been constantly demanding restoration of their political rights and preservation of their distinct identity within the Union and within the framework of the Constitution of India (Kazi, 2009:50).

The regulation was adopted under the Sikkim subjects Regulation of 1961 which was entertained to protect Sikkimese people from the encroachment of outsiders and migrant community though it turned to be controversial and later certain part of it was rectified (Chhetry, 2012).

In recent years, an organization named Association of Old Settlers of Sikkim (AOSS) which claims to represent the business community in Sikkim is raising the voice in favor of business community in the state. Since the day of the formation of AOSS, the issue of business community and their identity is floating on the political scenario in Sikkim. The community is started to be recognized as Old Settlers community in the state. AOSS has

the voice that the business community or the Old Settlers are deprived or discriminated in socio-economic sphere in the state. Recently, The AOSS has filed a petition against the Finance Department, Government of India in Supreme Court of India demanding to get Income tax exemption at par with the Certificate of Identification (COI) for Old Settlers of Sikkim. The association claims that the collection of the tax was discriminatory and violated Article 15 of (prohibition against discrimination) the constitution, stating the exemption was granted subsequent to an amendment in the Finance Act in 2008. The petitioners state that Sikkim government's contention that Income Tax exemption would be granted to those became Indian citizen in 1990-91 under local and voted for merger of Sikkim with India (Sinha, 2013: 22).

The petition reads that discussions between Sikkim and the Union of India disclosed that Sikkim Subject Certificate (SSC) holders and those who became citizens in 1990-91 after the Sikkim Citizenship Amendment Order 1989 should be exempted for political reasons and to maintain ethnic peace in the and SSC holders who had for the Sikkim with India be rewarded by granting exemption. According to the association the families of Old settlers in entire state of Sikkim have been left out, who were also in Sikkim like others before 26th April 1975. The association asks why the differential classification whereby majority of the population in Sikkim exempted from the Income Tax Act 1961 while Old Settlers of India origin are liable to be taxed (Telegraph, 2013:1).

Since the day the AOSS filed petition in Supreme Court of India, issue of identity between Sikkimese and the Old Settlers fall into controversy and the debate. The language of petition has grown to be sources of apprehension among Sikkimese homeland communities. Various organization representing homeland communities in the state launched the protests across the state time by time. The Sikkimey Nepali Jatiya Sangharsha Samiti (SNJSS) decided to launch a statewide non-cooperation stir against the petitioners who represented the group Old Settlers for targeting the Sikkimese people. Anushuchit Jati Kalyan Sangh (AJKS) has strongly condemned the move to cast aspersions on the nationality of the Sikkimese Nepali community by the association of the Old Settlers. "AJKS welcomes the step taken by the members of AOSS regarding the tax exemption to them and the people

of Sikkim support the same, but it is very unfortunate to note that they requested the Supreme Court to repeal the income tax exemption granted to Sikkimese people if exemption is not given to them (Statesman, 2013:3).

The Sikkim National People's Party (SNPP) continues protest stating that the party feels betrayed by old settlers of the State for describing Sikkimese Nepalese as "foreigners" in their writ petition in the Supreme Court. "The SNPP strongly condemns the choice of words used in the petition to describe the Sikkimese of Nepali origin as foreigners, which shows an absolute lack of sensitivity on the part of the petitioners regarding the sentiment and pride of the majority community who, incidentally, have been supporting the petitioners in their efforts to exempt themselves from paying Income Tax from the beginning (Bhandari and Nepal, 2013). The Sikkim Liberation Party President Duknath Nepal in a press statement said that his party workers have been instructed "to be prepared of any kind of circumstances" in opposing those who have labeled them as foreigners. Sikkim Liberation Party (SLP), raises the issue that the Constitution has recognized "only three ethnic communities as the bonafide of Sikkim, and they are Bhutia, Lepcha and Nepali" and not those who represent the business community in the State (Bhandari and Nepal, 2013).

Sikkim Chapter of Bharatiya Gorkha Parishangh (BGP) stands against the move of AOSS arguing that, it opposes the aspersion against Sikkimese Nepali by anti social elements within so-called Old Settlers of Sikkim put forth a strong objection to their remark as absolutely anti social gesture. It writes that so-called old settlers, it is on the advice of the then Indian political officer in Sikkim refuse to accept Sikkim Subject ship in 1961 denying their allegiance and faith to the then Choygal and the Kingdom of Sikkim. With the pride of being an Indian, they thought Sikkim Subject of no value then. The organization has argues that asking Income Tax exemption for Old Settlers labeling Sikkimese Nepali as foreigner is a logic totally absurd and highly objectionable. It suggests that so-called Old settlers, anti social elements to restrain themselves from sawing seed of communal hatred for their own safety (Sikkim Express, 2013). One of the factions of Old Settlers and organization from Bihari community in state had appealed to leaders of AOSS to rectify the mistakes in the petition which are hurting others sentiments as soon as possible (Sikkim Express, XXXVI, 2013:1).

In exiting literature or various writings on the issue grounded to the move of organizations representing the Old Settlers community appear that the present socio-political scenario in Sikkim is witnessing the questions of identity of various communities living within the state in contemporary time. The arguments and counter arguments on the part of identity are seen to serve as a potential tool in polarizing the identity politics in state. The state known to be a peace federal unit in the country is juxtaposely moving into the glare of issue like 'outsiders' and 'insiders'. Seeing the repercussion of similar issue in other part of country and the world, it needs a timely intervention from the governmental mechanism, socio-political organizations and academic understanding. But in present situation, the academic involvement through proper research is found lacking in this regard. Hence this work tries to address the same in understanding the underlying problems into it.

Objectives of the Study

- To understand the dynamics of identity politics from the theoretical perspective.
- To examine how Sikkimese identity has constituted in the contemporary society.
- To examine identity formation of Old Settlers in Sikkim.
- To examine socio-economic and political issues associated with the formation of Old Settlers in Sikkim.

Research Questions

- How does the theoretical discourse on identity politics help us to understand identity dynamics in Sikkim?
- How does Sikkimese Identity that has been historically evolved reflect in the Contemporary society?
- Why does identity of Old Settlers emerged in the post-merged (after 1975), scenario?
- What are the issues associated with the identity dynamics of Old settlers in Sikkim?

Hypothesis

- The Socio-economic and political deprivation of Old Settlers leads to the emergence of Identity dynamics in Sikkim.

Research Methodology

The study was conducted in Gangtok as targeted population for sample size from the organization and people associated to the issue are accessible in mentioned area for study. This study is both qualitative and quantitative in nature. Both primary and secondary data are the sources of information. Primary data have been collected through an interview schedule from the members of Association of Old Settlers of Sikkim (AOSS), Sikkimey Nepali Jatiya Sangharsha Samiti (SNJSS), Anushuchit Jati Kalyan Sangh (AJKS), Bharatiya Gorkha Parishangha (BGP), Bihari Jagaran Mancha (BJM), and political parties like Sikkim Democratic Front (SDF), Sikkim Krantikari Morcha (SKM),

Sikkim Liberation Party (SLP), and Sikkim National People's Party (SNPP). Similarly the academicians and other people who can throw light in this regard were consulted. Sample size for primary data was 100 and these were selected by purposive sampling method. Secondary data were collected from governmental documents, books, newspapers, journals, memorandums and proceedings of organizations those concerned to the issue.

Chapterisation

Chapter I: Introduction

This chapter outlines the nature of study, rational and scope, objectives, research questions and methodology. The study delves into the dynamics of Identity Politics with reference to Sikkim.

Chapter II: Dynamics of Identity politics: A theoretical perspective

Second chapter deals with the detailed review of theoretical discourse on dynamics of Identity Politics. It primarily brings the issue of competing Identity dynamics resulting in inequality distribution of available resources. It attempts to underline the various mode of conflict on the basis of social, political and economical dimension creating Identity politics. It also tried to extract the instances from the global, national and regional conflicts giving it a clear understanding to the overall study of research.

Chapter III: Evolution of Sikkimese Identity

It is an attempt to situate the focus on evolution and formation of Sikkimese identity. It deals with the emergence of Ethnic communities, the monarchical rule and how the merger of Sikkim has reflected in the present time. It has also focused on the genesis of Sikkim-subject hood which gives the idea of how the state has been formed and a major effort to protect its citizen from the influence of migration on the state. And the arrival of plainsmen and their business prospects in Sikkim. The main objective of this chapter is to acquire optimum knowledge of the past of Sikkim, digging through the loopholes of merger.

Chapter IV: Socio-economic and political issues associated with the Old Settlers

It is one of the most important chapter as in it data collected from the field are recorded. The field work was done at Gangtok, which is the main hub of business centre for Old Settlers of Sikkim. The data collected are analysed and interpreted in this chapter by using various tables and figures respectively. The research was conducted on one hundred respondents, dividing it into two groups of i.e. fifty respondents from the Old Settlers community and fifty from Sikkimese (domicile holder) based on open ended and closed ended questionnaires and interview.

Chapter V: Conclusion

It is the summarization of the entire dissertation. It briefly explains the gist of every chapter outlining the findings, further and scope of research in the area.

Chapter- II

DYNAMICS OF IDENTITY POLITICS: A THEORETICAL PERSPECTIVE

Introduction

One of the major challenges that the world had witnessed during and after the second half of last century has been the identity politics, polarization of society with various assets and conflicts associated with it. Since the problem of identity appeared on the surface politics, there is hardly any region in the world that did not come across such situation. Most of the violent conflicts across the world today are increasingly based on identity polarizations. Wars between the states are rarely seen nowadays but civil wars with identity dimensions have been very common in many parts of the globe. The upsurge and intensity of such identity strife has turned into a major threat to national stability and security in several parts of the world. The states with multiple identities community are generally more prone to this problem due to identity polarization resulting either from lack of tolerance about cultural diversity, inequality in the distribution of available resources, social benefits and opportunities between distinct ethnic groups or political exclusion of the some ethnic groups from the framework of state.

This chapter details the conceptual framework, theoretical discourses and Economic dimension of Identity Politics. The second section discusses the basic bases of Identity, Mobilization and its collision and conflict. It explores the colonial and post-independent identity politics in India. It also tries to capture the experiences of identity politics in North-East India.

2.1. Identity Politics: A conceptual Analysis

This section will discuss the origin and evolution of Identity Politics, analyzing it from the global level and how it acts as a source of conflict in the society.

2.1.1. Origin and Evolution of Ethnic Identity Politics

Identity Politics has become one of the most widely debated issues in the contemporary political and academic discourses. It is a phenomenon that arose out of the shared experiences of injustice and marginalization of certain sections of the society. It occurs when some ethnic groups or social minorities find themselves as oppressed, marginalized

and feel that their uniqueness and distinctiveness are being made vulnerable to the dominance of majority group (Barth quoted in Chhetry: 2015, 216). Unlike pre-identity politics, identity politics demands are not made for inclusion of marginalized groups or minorities within the fold of majority group on the basis of their common attributes nor does it demand for equal share and respect in spite of the differences (Barnet, 1976: 77-79). Rather, what they demand is respect or recognition as a different group with separate political arrangement, more economic, educational or job facilities on the basis of their distinct lingo-cultural identities. Sense of identity and its mobilization occurs in a group when it perceives or identifies that it is being marginalized or deprived in the society (Vos, 1975). When such identity mobilization is perceived as threat over the socio-political and economic status of other previously privileged community, it may lead to competition, conflict and identity polarization between two or more ethnic groups in a multi-ethnic society (ibid).

In the west, identity politics began in earnest with the Reformation. Martin Luther argued that salvation could be achieved only through an inner state of faith and attacked the Catholic emphasis on works--that is, exterior conformity to a set of social rules (Dutta, 2013: 14).

Anspach first used the term identity politics to refer to activism by people with disabilities to transform both self- and societal conceptions of people with disabilities (Anspach quoted in Vanhanen 1999: 11-13). Over the next decade, only three scholarly journal articles employed the term identity politics in their abstracts, to describe (a) ethnicity as a contemporary form of politics (Ross, 1982); (b) a form of critical pedagogy that links social structure with the insights of post structuralism regarding the nature of subjectivity, while incorporating a Marxist commitment to politics (Bromley, 1989:54-56); and (c) general efforts by status based movements to foster and explore the cultural identity of members (Connolly,1990:100). By the mid-1990s, references to identity politics as violent ethnic conflict (Meznaric, 1993:89), and nationalism generally emerged (Alund, 1995:190).

Ethnic conflict has been one of the major problems that the world has witnessed during the second half the last century. Most of the violent conflicts around the world are

nowadays increasingly based on ethnic divisions. What are ethnic conflicts? When and why do ethnic conflicts break out? Ethnic conflict refers to violent confrontation between groups of people who do not belong to the same ethnic groups within a multi ethnic state. Low tolerance for cultural diversity, inequality in distribution of available resources, social benefits and opportunities between distinct ethnic groups and political exclusion of some ethnic groups from the framework of the state are some of the fundamental reasons which precipitates ethnic violence (Chakma, 2013: 6).

The dissolution of the USSR led to the emergence of a number of new states and this development in its wake virtually reopened debate about the ethnic components of national identity along with the right of self determination. However the guiding principles as enunciated by the former UN Secretary-general Boutros Ghali in Agenda for peace have been by and large found to be acceptable to the members of world community (Ghali cited in Deb, 2006). It was held that if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation and peace, security and economic wellbeing for all will become ever more difficult to achieve. In his perception, all rival claims of sovereignty and self-determination could be resolved through respect for human rights particularly the rights of minorities on the one hand and democratization on the other (Deb, 2006: 3).

The withering process of traditional colonialism and imperialism, end of cold war, dissolution of USSR and the loosening of authoritarian shackles have given a space for the emergence of a number of political mobilizations holding demonstrations mainly for identity.

2.1.2. Identity Politics at Global level

Issues of identity and identity grounded conflict are not a new phenomenon. It would not be an exaggeration to state that almost all the countries of the world have witnessed some forms of unrest emanating from identity issue. The wave of political mobilization for identity is of such a pervasive character that its challenge is being felt equally by both developed and developing states. Countries like Sri Lanka, Pakistan, Bangladesh, Philippines, Australia, Canada, Former Yugoslavia, Germany, the USA and the former USSR are some of the countries which have faced and are still facing the problem of

ethnic identity and ethnic conflict. Some major instances of politics of identity mobilization and the violent conflicts coincided to these issues have been attempted to discuss below for a cursory overview to understand the impact of politics concerned with identity mobilization (Brass, 2001:25).

Rohingya Conflict in Myanmar: During second half of 2012 a noticeable conflict and violence rooted to identity mobilization between the community who claim to be indigenous community and Rohingya ² community took place in Myanmar. Approximately 800,000 Rohingya live in Myanmar and apparently their ancestors were in the country for centuries, a section of Burmese do not recognize Rohingya people as citizens. People perceived to be without a state, the Rohingya have to confront harsh persecution in Myanmar and in refugee camps of the neighboring countries of Bangladesh and Thailand as well. The conflict prevails basically between the state government and the Rohingyas who has formed the Mujahiddin outfit group demanding separation from the state perceiving a marginalization of Rohigya identity in Myanmar. Their initial motive during the Mujahideen movements (1947-1961) was to separate the Rohingya populated Mayu frontier region of Arakan from western Burma and annex that region into newly formed neighboring East Pakistan (present day Bangladesh). Later in 1970s, their uprising appeared again during the period of the Bangladesh Liberation War in 1971. During the Arakan State Riots the aspiration of the Rohingya militant groups was to create northern part of Arakan as an Independent or autonomous state. The confrontation between ‘native’ communities and Rohigyas in Myanmar has been chronicled time and again (Patowary, 2012:31-35).

In 2012 waves of violence engulfed parts of Rakhine state, leaving nearly 200 people dead and thousands displaced. In August 2013 rioters burnt Muslim-owned houses and shops in the central town of Kanbal after police refused to hand over a Muslims man accused of raping a Buddhist women. Burma has a long history of Communal mistrust which was allowed to simmer and was at time exploited under military rule. While these events may not have direct links between the various outbreaks of communal unrest, the mistrust felt for decades is being expressed. The communities who claim to be ‘native’

² The Rohingya are a Muslim minority population living mainly in the state of Arakan, in Myanmar (Burma) (patowary, 2012: 14).

perceive a great existential threat to their identity in presence of Rohingya community and in other hand; Rohingyas feel extreme deprivation with regard to development and access to resources in comparison to other local counterparts (Gautam, 2014:63).

Attacks against Indian origin communities in Fiji and Kenya: The communities of Indian origin in Fiji and Kenya were perceived by ‘native’ Fijian and Kenyan as a threat to their claim over sources of economy. The strong holds of Indian origin communities in the economic sphere in these countries had grown as source of feeling of deprivation amongst the locals. The political elites in post colonial space in these countries tried to bring issues as marginalization of locals in the hand of ‘immigrants’ and started to mobilize the latent frustration as a tool to greater autonomy and for demanding claims over local resources. Issue of identity between the ‘natives’ and ‘migrants’ was brought to the political surface for economic interests such as job, business opportunities within the same market among different groups who identified as local ethnic communities. Where Indian traders had control in agro-farm, markets as well as governmental institution were severely attacked. Particularly, when the indigenous Fijians and Kenyan Africans came to power in Fiji and Kenya, they pursued economic and political policies which were aimed at reducing the influence of the Indian community from their national economy with apt control over resources. The process of de-integration of Indian origin (in some cases, people of Asian origin) was followed by the planned attacks (Chakraborty cited in Saikia, 2014).

Asians in Uganda: Uganda has also experienced periods where political and economic/social inequalities have differed. Economic, social and cultural divisions are broadly between centre/south and the north, the Bantu and non-Bantu-speaking peoples. The latter are markedly poorer than the centre/south; they are also in a minority and can only attain power with odd alliances and/or violence and election-rigging, facilitated in earlier years by northern domination of the army, which was a colonial heritage (Mamdani, 2011:90).

Uganda has suffered violent conflict on a major scale in the last forty years, including in the 1970s, when Amin initiated much of the violence, and in the second Obote regime (1983-5) when Obote’s forces were in conflict with Museveni’s resistance movement.

During these conflicts hundreds of thousands of people died. Since Museveni took over, there has been persistent fighting in the periphery of the country, especially the north, but on a much smaller scale. Museveni has aimed, far more than his predecessors, to have inclusive government; he also eschewed multiparty democracy (ibid:120).

There are significant, persistent horizontal inequalities in Uganda in economic and social dimensions. Average incomes are broadly twice as much in the South and Centre, and social services substantially better. Yet political domination has generally been in the hands of northerners or westerners¹⁶. The narrowing of some differentials between 1969 and 1991 is partly the consequence of northern political domination – with some public investment favouring the north – as well as to the destruction of central facilities during the political instability and fighting (Matovu and Stewart 2001:100-105).

Chiapas in Mexico: The state of Chiapas in Mexico, accounting for 4% of the population, contains a concentration of indigenous peoples, with the indigenous share of the total population over three times that of Mexico as a whole. This has made it possible for protests to be mobilized and united under an Indigenous umbrella, with a focus on Mayan culture as well as economic and political rights. Perceptions of inequalities were stimulated by religious and activists groups.

Chiapas has long suffered serious and ongoing deprivation of a political, economic and social nature, relative to the rest of Mexico. For example, the proportion of people on incomes below the minimum wage is nearly three times greater than in Mexico as a whole, and the proportion on high incomes is less than half the all Mexican rate. The illiteracy rate in Chiapas is more than twice the Mexican rate. Within Chiapas the indigenous speaking people are particularly deprived, with substantially lower school attendance and incomes than the rest of the state. Land presents a particular problem: the end of land reform efforts in 1972, left more land which had not been redistributed in Chiapas than elsewhere, and the indigenous population were almost entirely marginalized on poor and ecologically vulnerable land. Politically, the region and particularly the indigenous people, have been largely excluded. It appears that these inequalities have been in evidence for a long time, with a worsening of some indicators in recent years (e.g., on poverty), a small improvement in secondary education and an improvement in the distribution of federal investment (Stewart, 2012 :50).

In 1994, the Ejericito Zapatisto de Liberacion Nacional (EZLN), with indigenous collective leadership, took control of 4 municipalities initiating an armed struggle against the Mexican state. The demands of the EZLN were for autonomy for the Indigenous communities and the protection of their cultural heritage, as well as action towards improving economic and social conditions. Since then there have been negotiations offering greater political rights for Indians; while the armed struggle has been suspended and negotiations are ongoing, protests continue. Fijan-dominated governments have introduced affirmative action to assist Fijans in education, business and public employment – with some success in terms of reducing disparities. But this has increased Fijan determination not to allow an Indian-dominated government which could reverse these policies (Chari and Chandran, 2003:96).

2.1.3. Identity Politics as Source of Conflict

Conflict that roots in identity politics refers to violent confrontation between groups of people who do not belong to the same identity groups within a multi-ethnic state. Lack of tolerance about cultural diversity, inequality in distribution of available resources, social benefits and opportunities between distinct ethnic groups and political exclusion of some ethnic groups from the policy framework of state are some of the fundamental reasons that triggers violence (Abhilas,2013:60).

2.2. Identity: A Theoretical Analysis

Identity is the manifestation of group sentiments and emotions to preserve separate identity based on their traditions and customs. From instrumental (acting as a means of achieving something) viewpoint, ethnicity is the creation of elites in order to protect their well being or existence or to gain political and economic advantages for their groups as well as for themselves (Brass, 1999: 15). Primordial's, on the other hand, believe that ethnicity is a natural and given phenomenon. According to them, every individual carries with him some 'attachments derived from his place of birth, kinship relationship, religion, language and social practices which are natural for him, spiritual in nature and that provide a basis for an easy affinity with other people from the same background' (Brass, 1999: 69).

Identity refers to how 'self' is defined and categorized in relation to other people (Turner et al, 1987). The term Identity has been most widely used in social science researches. It is a concept that at the center of lively debates in every major subfield. It can be understood as a product of social and political action, "identity" is invoked to highlight the procession, interactive development of the kind of collective self-understandings, solidarity, or "group-ness" that can make collective action possible. In this usage, found in certain strands of the "new social movement" literature, identity is understood both as a contingent product of social or political action and as a ground or basis of further action (Fearon, 1999: 87-90).

For individuals, identity works as a concept to recognize who they are, of what sort and how they relate to others" (Hogg and Abrams, 1988: 2). "Identity is used in this book to describe the way individuals and groups define themselves and are defined by others on the basis of race, ethnicity, religion, language, and culture" (Deng, 1995: 11). Identity "refers to the ways in which individuals and collectivities are distinguished in their social relations with other individuals and collectivities" (Jenkins, 1996: 4) "National identity describes that condition in which a mass of people have made the same identification with national symbols- have internalized the symbols of the nation..."(Bloom, 1990: 52). Identities are "relatively stable, role-specific understandings and expectations about self" (Wendt, 1992: 397). The social actions, norms, ideas and behavior have an impact on the individual and ultimately form the group identity and which reflects the nation as a whole.

2.2.1. Basic bases of Identity

It has been mentioned above in this chapter that Identity is multi-faceted subjective term. It is difficult to identify a social being with a single identity at the same time; there are several identical tools to categories a society into. Depending on these backgrounds, there are several bases for identity politics which can be understood with various approaches. There are several approaches which explain the causes of ethnic conflicts. But, Economic approach, psychological approach, power approach and sociological approach are the most common approaches which provide vivid theoretical explanation about conflicts those coincide to identity mobilization.

Economic approach explains ethnic conflicts in term of competing economic interests such as job, business opportunities within the same market among different ethnic groups. As it is already discussed above, the most relevant examples are Fiji and Kenya, where Indian traders control a segment of the economy and the resources to which the indigenous Fijians and Kenyans demand for greater access. When the indigenous Fijians and Kenyan Africans came to power in Fiji and Kenya, they pursued economic and political policies which were aimed at reducing the influence of the Indian community from their national economy (Chakraborty cited in Saikia, 2014).

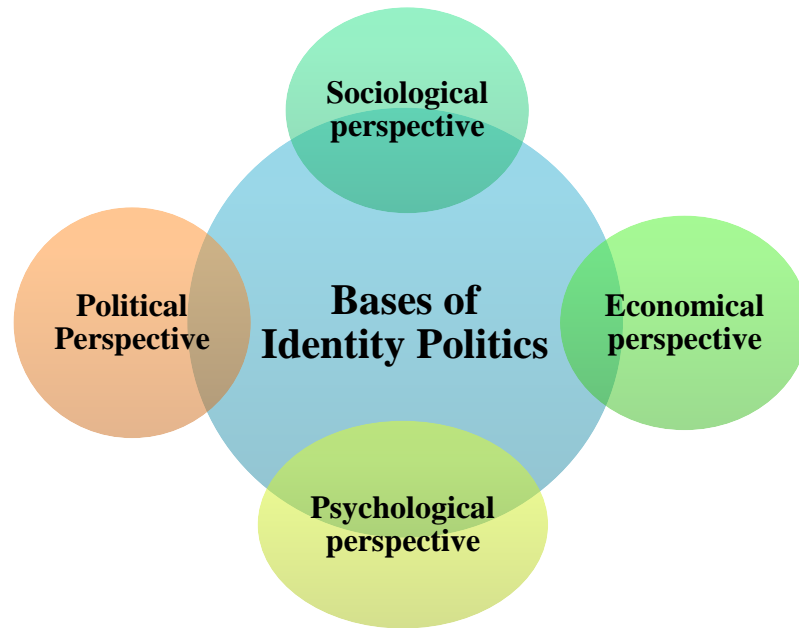
According to psychological approach, as advocated by Donald Horowitz, ethnic tension between different groups generates from group comparison. During group comparison, members of an ethnic group evaluate their relative abilities with the members of another ethnic group and the ways of distribution of available resources, social benefits and opportunities between different ethnic groups. During such comparison, when the members of an ethnic groups see that they are not adequately represented within the system at par with similar other ethnic groups, they develop suspicion towards the advantaged groups and such feeling of deprivation instigate them to argue for equal access to the social goods and other benefits as enjoyed by others (Horowitz, 1985).

Power plays the key role in furthering and determination of interests, as argued by the proponents of power approach. In an ethnically divided society, different ethnic groups maintain different claims of legitimacy. When such competing claims of legitimacy come into clash, it yields the dynamic of ethnic politics. Ethnic politics erupt into violent ethnic confrontation, when such politics are characterized by arguments and counter arguments about who represents most and how (Chakma, 2013: 34).

Sociological perspective explains ethnic conflicts in terms of ‘ethnocentrism³’ and ‘group closure’. These are commonly practiced by ethnic groups in extreme case of ethnic nationalism. Ethnocentrism and group closure sharpen divisions between one group and another leading to fierce conflicts between the competing groups (ibid).

³ Ethnocentrism refers to suspicion of ‘outsiders’ and evaluation of others’ culture in term of one’s own culture.

Figure 2.2.1 four major approaches of Ethnic conflict



Source: Self compiled

2.2.2. Identity and Mobilization

The paradox here is how the genealogy of identity politics in India, particularly in Northeast India understood or conceptualized. One way we struggle, in Foucauldian sense, to assert the ethnicity and identities of the marginalized and the forgotten via the ‘epistemic violence’ of modern nation state and at the same, in our endeavour for sub nationalism, we again create marginalization and an internal other within the spatiality of political maneuver (Foucault cited in Sharma, 2013, 32). Human thought process informed by structure of binaries i.e. *Presence vs. Absence, Self vs. Other, Us vs. Them, Belonging vs. Non-belonging, Citizen vs. Migrants, Norm vs. Exception* were something considered stable and demarcated (Agamben, 1995). Western philosophers since the time of Greek philosophy, well aware of the dilemma and tried to secure the boundaries to exclude the second term from the valorised first, burying the contiguity of the terms into ignorance (Dillon 1996 and Sarma, 2013: 33). This valorisation of the first term as positive and insecurity of negation by second term got institutionalised in the evolutionary process of the modern nation state. With the territorialisation of nation

continuity of space was converted into discontinuous enclosures of sovereign space in constant need of vigil against the violation of a threatening other (Agnew, 1998). Boundaries in its ubiquitous forms came to be determinant of these set of binaries demarcating *self* from *other*, *belonging* from *non-belonging*, just to mention a few. Thus this territorially based sovereign entity became a spatiality that marks the transition from chaotic state of nature to one that of order. Thomas Hobbes' *Leviathan* carries (Hobbes quoted in Agnew, 1998) the weight of a sacred text for this territorial ontology and this transformation from state of nature is vindicated on the promises pertaining to justice, order, security by restricting oneself within this modern 'geo-political imaginary' (Agnew, 1998). The 'territorial trap' of the nation state became an objective instrumentality for being a human being (ibid). This was not just spatial enclosure but the freedom of Human thought itself got textualized in the text of territoriality. To be more precise human freedom of thought itself was territorialised, exploration beyond which was forbidden. After becoming a territorialised human being professing the purity of the *self, us, order* from the contamination of the *other, them and anarchy* became our faith. At the same time it also required forgetting the mutual constitution and contiguity of these binary terms (Sharma, 2013).

2.2.3. Identity collision and conflict

Identity Politics has become one of the most widely debated issues in the contemporary political and academic discourses. It is a phenomenon that arose out of the shared experiences of injustice and marginalization of certain sections of the society. It occurs when some ethnic groups or social minorities find themselves as oppressed, marginalized and feel that their uniqueness and distinctiveness are being made vulnerable to the dominance of majority group. During the process of mobilization caused by identity politics, demands are not made for inclusion of marginalized groups or minorities within the fold of majority group on the basis of their common attributes, nor does it demand for equal share and respect in spite of the differences. Rather, what they demand is respect or recognition as a different group with separate political arrangement, more economic, educational or job facilities on the basis of their distinct lingo-cultural identities. Sense of identity and its mobilization occurs in a group when it perceives or identifies that it is being marginalized or deprived in the society (Vos, 1975). And when such identity

mobilization is perceived as threat over the socio-political and economic status of other previously privileged community, it may lead to competition, conflict and identity polarization between two or more ethnic groups in a multi-ethnic society (ibid).

A multi-ethnic society can be understood as a mixed existence of homeland societies and ethnic diaspora communities. Groups belonging to homeland societies are the long time occupant of a particular place. They claim for a moral right to rule themselves which is backed by their historical and archeological evidences. Ethnic diaspora communities, on the other hand, are people who have migrated and settled in a foreign land either after undergoing oppression in their homeland or in search of better livelihood or for any other reason. They cannot claim for self rule, instead they demand for a non-discriminatory participation as individuals in public affairs and maintenance of their inherited culture (Phadnis and Ganguly, 1999: 19).

The mutual coexistence between two groups is expected until one perceives threat from other upon it. The perception of threat creates the barriers and diversification into two different groups. Such perception of threat found to get a mobilization and competition what which turns to be “we” and “them”. When the case of homeland societies and Diaspora ethnic societies comes in to light, the issue is seen to turn into the case of ‘insiders’ and ‘outsiders’ (Gupta, 1996: 10-15).

The phenomenon that shapes and reshapes the group identities can be seen in sustained ethnic conflict and when the smaller group is distanced from other larger group geographically without a scope for immediate support. Often the smaller and weaker groups tend to align with the larger and stronger group for survival. Here the adoption of new identity is not based on primordial characteristics, but based on situational analysis by the weaker group and their need for survival.

2.3. Identity Politics in India

India has been a home of hundreds of group communities with various and distinct identity. Looking at the cultural plurality and diversity among the Indians, the framers of the Indian constitution adopted liberal democratic political system based on the values of political and cultural pluralism. The framers of constitution realized that India could

stand united and integrated only if it recognized its diverse cultural values. Article 51 (A) of Part IV (A) of the Indian constitution states that it shall be the duty of every citizens of India to value and preserve the rich heritage of our composite culture and promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities. Despite the adversaries rooted in diversity tried to resolve through constitutional mechanism, India still witnesses various assertions based on identity and still, there are numbers remains unsolved.

2.3.1. Colonial Identity Politics

Identity politics in India is not only a post colonial product of identity contestation and conflict rather it was experience during the British colonial rule in the country. The colonial attitude of ‘divide and rule’ had inserted a bone of contestation for identity between Hindus and Muslims making the base of religion. The then viceroy of India Lord Curzon had divided the Bengal province on religious line between Hindus and Muslims in 1905. To divide the collective spirit of freedom movement that was engraved in heart of both Hindus and Muslim, Curzon had divided the Bengal province into two parts, east Bengal and west Bengal. The east Bengal was declared as the protected province for Muslim minorities whereas the west for majority Hindus. The colonial propaganda of appeasement for one community to suppress the other had diametrically divided the egalitarian spirit of freedom movement agenda of Indian people. The formation of Muslim league in 1906 in challenge of Congress was the burning outcome of divided identity proliferation during the time on the basis of religion. However, the strong opposition to the action through a powerful Swadeshi Movement since 1905 had compelled to withdraw the draconian action in 1911 and Bengal appeared again as unified province (Dipanker, 1997: 34).

Despite the unification of Bengal, the diametrical line between Hindus and Muslim could not be erased. The Muslim league came with “two nation theory” on the eve of the signing of Independence of the country and finally India became free from colonial control but in two piece India and Pakistan absolutely on the basis of religious identity. The division of the country could not solve the problem of religious division rather it had

added the misery to common people. Just after the partition, minority of one country was bitterly suppressed by majority population. Hindus of Pakistan were tortured, suppressed and, there were large number of cases of genocide and vice versa in India(Cohen, 1997:34).

The minority were forced to abandon their homes and move across the border. Minorities on the both sides of the border fled their home and often secured temporary shelter in refugee camps. They often found unhelpful local administration and police in what was till recently their own country. They travelled to the other side of the new border by all sorts of means, often on foot. Even during this journey they were often attacked, killed or raped. Thousands of women were abducted on both sides of the border. They were made convert to the religion of the abductor and were forced into marriage. In many cases women were killed by their own family members to preserve the 'family honor' and 'identity'. Many children were separated from their own family members and parents. Those who did manage to cross the border found that they had no home. For many of these 'refugees' the country's freedom meant life in 'refugee camps' for months and sometimes for years. The religious identity confrontation and conflict with the partition of the country in 1947 had brought one of the largest, most abrupt, unplanned and tragic exodus of population that human history has witnessed. It is estimated that the partition forced about eighty lakh people to migrate across the new border. Between five to ten lakh people were killed in partition based on religious identity (Chandra, et, al, 2000).

2.3.2. Economic dimension of Identity Politics

Identity politics through the lens of economic perspective gives an in-depth study to the various economy related identities and ethnic conflicts in the world. If economy is concerned, then the competition arises or scarcity of resources which directly leads to conflict among groups and individuals in society (Cunningham, 2012: 1). The struggle for acquiring citizenship on the basis of economic interest could lead to devastating consequences in state, for instance, the political economies of colonial countries under British or Dutch rule in West Africa, East Africa, the Caribbean, Indonesia. In these societies certain ethnic groups occupies special economic and social place as merchants

and traders (Lebanese and Syrians in West Africa, Indians in Uganda, Chinese in Malaya and Indonesia, Indians in Fiji) (Tambiah, 1989: 339). Marshall (1988) argues that “preservation of economic inequalities has been made more difficult by the enrichment of the status of citizenship” (Isin and Wood, 1999: 29). Economic competition is a measure of change in the level of economic discrimination for a group relative to other groups (Wilkes and Okamoto, 2002: 6).

Most studies of competition theory focus on majority group mobilization in response to minority gains. Majority group members mobilize when their position is threatened by competition from minority group members. We expect that this will also be the case for minority group members. That is, minority groups will be more likely to mobilize when they face increased competition from the majority and/ or other groups in society. This competition manifests itself in the form of economic, political and cultural losses relative to other groups as well as in the processes such as urbanization that increase competition between groups. The protest and rebellion are forms of mobilization by minority group. The relationship with communal conflict is more complicated. As stated previously, communal conflict indicates that the group was either attacked or attacked others in given year, it does not specify which role the minority plays. Competition theory suggests that the majority group will attack the minority group when the minority group improves its position. Thus, gains in the minority group position may lead to increased conflict. However, competition theory also predicts that the minority group, like the majority group, will also mobilize. For this reason, the effect of competition may be non-linear with respect to communal conflict. Ethnic competition theory explains variation in ethnic mobilization relating to intergroup struggles over scarce resources.

However, the tendency to capture such relationships at the aggregate level, through macro-level proxies of intergroup competition, offers little insight into the processes through which ethnic grievances mobilize into contentious action (Cunningham, 2012:1). Competitive dynamics are most striking when they result in sustained mobilization and protracted conflict (Olzak, 1992:102), ethnic competition explanations offer little insight into the processes through which ethnic grievances translate into mobilized contention, a longstanding concern of social movement theorists (McAdam, 1999: 56; Tarrow, 1998). As a result, competition models are unable to tease out the direct versus indirect effects of

competition—i.e., whether associated conflicts are initiated by individuals who are themselves in direct competition for resources, or alternately whether they emerge in a more diffuse manner in areas marked by a generalized competitive climate. They also fail to explain how the presence of ethnic conflict is shaped by the social and spatial organization of associations, which mediate the coalescence of grievances within communities and thus serve as crucial mobilization venues (Cunningham and Phillips 2007).

By looking at how resources and status might be conferred within associations and thereby impact the grievance-formation process, analysts can bridge between macro-level claims that competitive arrangements (as captured through aggregate population compositions) spur the mobilization of group conflict, and micro-accounts of the ways in which “threats” come to be perceived and encoded as inter-group prejudice. The meso-level approach here seeks to account for the historically, materially, and socially contingent manner in which threats are attributed and acted upon, while taking seriously the power of social environments to enable and constrain individuals’ beliefs and actions. Horowitz (1985:30-35) has underscored an important distinction that affects the nature and dynamics of ethnic conflict, namely whether the groups in question are ranked (in some sort of hierarchy or stratified scheme informed by asymmetrical valuations) or unranked or parallel groups divided by vertical cleavages. However, by far the most salient category for a comparative study is the countries containing by and large unranked ethnic groups, such as Malays and Chinese in Malaysia; Sinhalese and Tamils in Sri Lanka; East Indians and Creoles in Guyana; Ibo, Hausa, Fulani and Yoruba in Nigeria; Christian Filipino and Moro in the Philippines; and the Thais and Muslims in Thailand.

Frances Stewart argues that most studies on the link between inequalities and conflict look at the distribution of income across the whole population of countries, which she calls ‘vertical inequalities’. But she finds that inequalities between different groups matter a lot more: “When cultural differences coincide with economic and political differences between groups, this can cause deep resentment that may lead to violent struggles.” A clear example of this is the economic and political inequalities between Hutu and Tutsi groups in Burundi, which led to an intense civil war. The violence in Kenya after the

2007 elections was also fed by inequalities between regions and ethnic groups (Stewart: 1995: 190).

Frances Stewart looks not only at economic inequalities between groups, but also inequalities in social, political and cultural dimensions (ibid: 220).

- Economic inequalities include access to and ownership of financial, human, natural resource-based and social assets. They also include inequalities in income levels and employment opportunities.
- Social inequalities include access to services like education, healthcare, housing, etc.
- Political inequalities include the distribution of political opportunities and power among groups, such as control over local, regional and national institutions of governance, the army and the police. They also include inequalities in people's capabilities to participate politically and express their needs.
- Cultural inequalities include disparities in the recognition and standing of the language, religion, customs, norms and practices of different groups (Stewart, 2008: 28).

Economic or political inequalities have the potential to be such an issue, but it is much easier to organize people around it when they are already part of a group and inequalities can be interpreted as a consequence of conscious discrimination against this group.

2.3.3. Experiences from North-East India

The North-East region is one of the parts in India where several conflicts can be found related to identity conflict. Identity has been a major reason for the communities and for its regional states to achieve their demands (Sadangi, 2008: 15). These demands are based on social, political, economical and cultural factors (Stewart, 2001:1). These factors highly influence the ethnic community to gain mobility and agitate for its group. According to Brass, mobilization of ethnicity involves the claims and demands for recognition and status as a superior group or as a group at least equal to other groups' (Brass, 1999: 12).

Particularly in this part of the country, conflict and violence have become very much common in day to day life, and such conflict and violence are dominantly ethnic in

nature. It is distinctiveness of identity in regard to ethnicity and its mobilization may originate from separate language, culture, traditions and social customs. The ethnic mobilization will evolve when social and territorial barriers breaks down strengthening the level of competition for valued resources which leading to safeguard their belongings and gain access (Olzak cited in Wilkes, 2002: 12).

When some ethnic groups or social minorities find themselves as oppressed, marginalized and feel that their uniqueness and distinctiveness are being made vulnerable by the dominance of a majority group (Datta, 1990: 24). Then the oppressed groups compete over economic and political resources. According to Walter, the problem of ethnic identity in Northeast is rooted in fear of resource alienation (Walter, 2007:225).

Such instances can be found in Assam, Manipur, Nagaland, Bodoland and Mizoram the tribes like Assamese, Bodo, sand Bengalese in Assam, Meiteis in Manipur, Kuki and Paites. Several sets of ethnic confrontation intersect in Assam such as between Hindu and Muslim, linguistic groups (particularly Assamese and Bengali speakers), and the indigenous population and a large migrant population (Brass, 2013: 202). To understand the concept of Identity Politics in North-East India it is essential to segregate the demands of communities on the bases of inequality. The three aspects of inequality among the communities are socio-cultural, political and economical.

(i) Socio-culture inequality

The social and cultural inequality focuses on the two main components of identity conflict such as language and religion. The main problem arises with the official language issue, the demand for the linguistic reorganization and the status of minority languages within reorganized states (Oinam, 2003: 204). According to Goswami, the result of fear and anxiety of Assamese population who sees the changing demographic scenario in the state as a threat to their culture and language caused the assertion and agitation during 1960s and 70s in Assam. The brings argument that fear in the mind of Assamese people that one day they may lose their distinctive identity and culture was root cause of the agitation (Goswami, 1997: 51).

There was huge mobility and agitation for the protection of Assamese language and culture during 60s and 70s of the last century. The Assamese nationalist leaders demanded the restoration of Assamese language in place of existing Bengali language in educational institutions and other governmental institutions. The agitations were successful in regularizing the Assamese language as medium of instruction in all governmental education institutions starting right from the primary level to University (Deb, 2006:12).

Similarly the Assamese language became as an official language in all governmental institutions in place of Bengali the former official language. The new language policy of the state government dug a deeper root of contestation in the entire Northeastern region (Brass, 2013, 204). The socio-inequality arose when the non-Assamese communities felt that the Assam government was imposing Assamese language on them. There were opposition and protest riots throughout the state. Leaders of major tribal communities wanted to separate from Assam. The non-Assamese tribal groups perceived language a policy of Assamese government as a threat to distinct tribal identity in the region. Assam agitation erupted during 1979-85 known as was more of an outcome of identity crisis of the Assamese people rather than an anti foreigner campaign (Nath, 2007: 89-90).

He says that Bangla-speaking Muslim and Nepali people who were alleged as 'foreigners' not only contribute to the enhancement of the economy of Assam but also to the development of the Socio-Cultural life never posing a threat to Assamese identity in reality. He mentions that "The Assomiyas are facing identity crisis" and "Assamiya language is in danger"- are basically the slogans of the Assamiya ruling classes and hence to Assamese sub-national assertion in name of Assam movement (Monirul, 1995:86).

(ii) Political inequality

Demand for separate state *Kamatapur* with revival of historic old state of *Kamatapur* to preserve Koch-Ranjbongshi identity, agitation by Garos in Meghalaya for separate Garoland are separatist movements in India which is as an example of manifestation of feelings of identity crisis or feelings of insecurity towards group identity (Chakma , 2013: 56).

The more assertive tribes who consistently rebelled against their incorporation within the new Indian nation-state such as the Nagas and Mizos ultimately succeeded in attaining status of 'statehood' and greater autonomy. They also succeeded in changing their minority status to that of a majority status in respective hilly states. Even after the formation of Nagaland, however, the Naga movement had not died, as A.Z Phizo, who had originally given the call for a 'long Naga struggle' (ibid).

The movement for six schedule autonomy like Rabha-Hasong, the movement for the status of Schedule Tribe (ST) by Adivasi-Santhal (ex-tea gardeners) community, Rajbongshi and the Autonomous Council movement for Gorkhas are in approach in Assam. Apart from the ones mentioned above, several ethnic conflicts have been taking place between Naga and Kuki in Manipur, Paite-Hmar in Manipur, Nepali (Gorkha)-Khasi in Meghalaya, the Hmar-Dimasa, Bodo-Santhal conflict, Bodo and Rajbongshi and, Bodo-Bengali Muslim in different intervals of time (Chhetry, 2013).

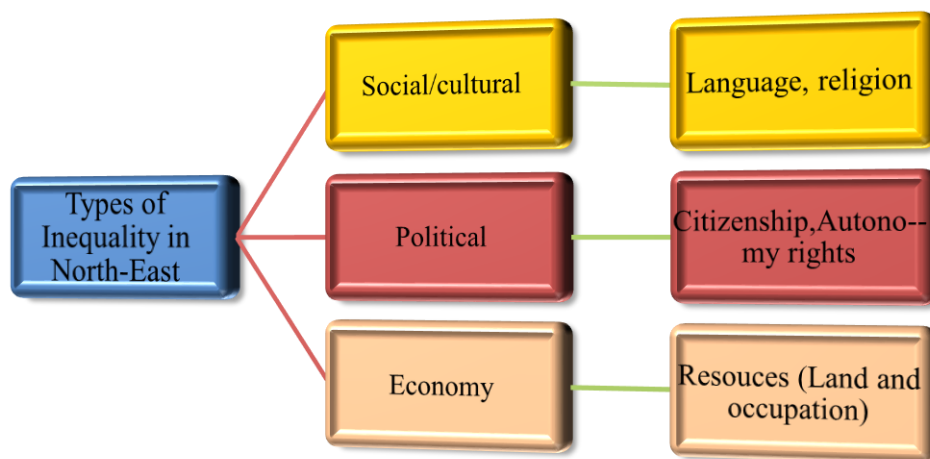
Some of such groups could achieve their objective like Interim government for Naga hill in 1960 and formal declaration of Nagaland in 1963, status of autonomous state within Assam to Meghalaya and up gradation as full-fledged state in 1972, declaration of Mizoram as UT within Assam which was promoted as full-fledged state in 1986, promotion of Tripura and Manipur as fully fledged state (ibid: 23).

(iii) Economic Inequality

The marginalization of the Gorkha community took place in post colonial Assam. The community has been discarded from the constitutionally granted rights. The Gorkhas of Assam were promised to protect as "Graziers and cultivators" under the Land and Revenue Regulation Act, 1886 by the colonial administration. After India's independence, it was constitutionally guaranteed that the Gorkhas would be protected as a "Protected Class" along with tribal communities in the Tribal Belts and Blocks in the state since December 5, 1947. But when the national policies were resisted by the Assamese people, the Gorkhas of the state were labeled as 'outsiders', 'foreigners' as well as 'anti-nationals' in the state. Gorkhas of the Tribal belts and Blocks were considered as obstacles to the all round development in the tribal Belts and Blocks and they were excluded from the status of "Protected Class" in 1969 (Sharma and Bhawani,

2001:10). Gorkhas have been vulnerable target of assertions of various ethnic groups fighting over scarcely available resources often leading to loss of home, hearth and livelihood in the Northeast. It can be observed that the Nepali speakers/Gorkhas living in Assam particularly in Bodo dominated areas for generations peacefully and maintaining a submerged identity got caught in the crossfire in various ethnic contestations (Chhetry, 2014: 210).

Figure 2.3 Approaches to study Identity politics in North-East



Source: Self Compiled

Conclusion

From the discussion made above in this chapter, the conflicts and movements based on feelings of insecurity to identity have been increasing throughout the world and its force is more in multi-ethnic and multi-cultural societies, particularly in societies like India. In an endeavor to provide an explanation to such situation, it may be said that although in the process of the evolution of the history, a composite culture with diverse ethnic and linguistic groups may be formed but, failure in amicability to address the grievances that persist among disgruntled groups in such composite culture that can lead to identity diversification and decline in uniformity as well as homogeneity whether those are constructed or accepted with consent.

The feelings of insecurity to identity and diversification through identity mobilization may collapse uniformity of compositeness of a society and for which, the urge of modernity as well as the chauvinistic attitudes of the host and dominant sections of the society can be held responsible. Similarly, the reverse trend that develops among elites in a distinct a group found to instrumentalize the identity apparatuses of group that they belong in constructing the identity mobilization to materialize their desired socio-economic and political goals. Distinct ethnic and tribal groups found to have got to the task of rediscovering their original identity through several movements both peaceful and violent to prove their identity.

In this regard, the case of dimension identity mobilization that has been initiated by AOSS urges an academic intervention. Since, unlike the region where it belong and cases as discussed above, in Sikkim there had been no occurrence of such a situation before; these feelings of uprising had been mostly dormant until the case was probed by AOSS. Hence, presentation regarding the issue of identity especially coinciding with the problem associated with the Old Settlers will be made in next chapter in more detail with proper analysis and interpretation of secondary and primary data that has been collected to respond the issue objectively.

Chapter III

EVOLUTION OF SIKKIMESE IDENTITY

Introduction

Sikkim is considered to be the peaceful state in the country but like other states of India, it is not far from the purview of internal disputes among the communities. Identity disputes are considered to be the main disputes among the communities in Sikkim. The three main ethnic groups of the state have their own history from where they trace their identity. Beside these three main ethnic communities, there are communities with their long political history in the State that does not remain away from the issue of identity politics.

The third chapter deals with the history of Sikkim from monarchy to democracy and it also explains the emergence of Sikkimese identity and its impact on the development of socio-political and culture of the state. Sikkim had been exposed to numbers of invasions and influences at the hand of neighboring countries which even at present, is directly reflected on the composition and way of life of the people in the state.

3.1. Origin of word Sikkim

Sikkim, a tiny Himalayan state of the Indian Union, is a multi-cultural society where different communities have settled and living together. Among the different communities the three distinct ethnic communities are Bhutia, Lepcha and Nepalese. The Bhutias are also called Denzongpas/Lhopas, the Lepchas are also called Rongs/Monpas and the Nepalis are also called Gorkhas /Paharias (Gurung, 2011, p. 92) . The origin of the Sikkim has different views among the scholars. Some Scholars stated that Sikkim is also called Che-Khyim means ‘Stone masonry’, While others have the opinion that, the Western Sikkim was known as ‘Srid-Khyim’ for political-power house signifies the magnificent Rabdentse Palace, which was one of the earliest capitals of Sikkim. Lepcha, which is considered to be the aborigine of Sikkim, called ‘Nye-Mayalyang’ or the sacred land of hidden paradise or the delightful abode, because this Himalayan is blessed by the Gods and has the legendary epic of religious mythology. Nonetheless the origin of the word ‘Sikkim’ cannot be known in particular but it has its great value as the three

different communities in Sikkim have different story to its origin from the wooden house, the valley of rice or even the hidden paradise. It has many interesting folklore shared by these three major communities of Sikkim which has been discussed below.

3.1.1. Bhutias

The Bhutia of Sikkim is considered to be the Tibetan origin having almost same physical, cultural and religious similarities. It has evidently been accepted that the people from 'Kham' province of eastern Tibet first started to come down and to settle in Sikkim from about 10-11 centuries, due to various socio-political, economic and religious reasons (Bhattacharya, 1994, p. 25). The word Bhutia is considered to an ancient name for Tibet, it is said that Tibetans have been migrated and come to Sikkim for trade and decided to settle here. The influence of Buddhism and the religious practices have made Sikkim a place of mythology and Lamaism has been dominant (Datta, 1999: 44-48).

The history pertaining to Sikkim before the seventeenth century is not well documented but it is said that somewhere in the thirteen century a prince named Guru Tashi in Tibet had a divine vision that he should go south to seek his fortune in 'Denzong'. His eldest son prince Khye Bumsa, despite being divinely powerful and he got married with the daughter of Sakya king. After the dead of Guru Tashi, Khye Bumsa settled in Chumbi valley and he made contacts with the Lepcha chieftain Tetong Tek who was also a religious leaders and Khya Bumsa were blessed with three sons (Grover, 1974:54).

The famous treaty of blood brotherhood signed at Kabi Lungtsok between Thekong Tek and Khya Bumsa in 1275 A.D brought a feeling of great friendship among the Lepcha and Bhutia communities. Following this treaty the Tibetans started migration to Sikkim, the land vested with divine sanctity for them (Dewan, 2012: 44). The third son of Khye Bumsa, Mi-tpon Rab, had four sons, the youngest of whom was Guru Tashi and it was he who shifted his family and tribe to Gangtok. The Lepchas had meanwhile broken down into small clans and there after came under the protection of the descendants of Guru Tashi (Gurung, 2011:3).

3.1.2. Lepchas

Lepcha are a Mongoloid community living in Sikkim, Darjeeling, southwest Bhutan and Eastern Nepal. They called themselves Rong from the Lepcha words Rongkup or Rumkup meaning the children of snowy peak/ the children of God. Tradition has it that their creator God, Itbumu, created their progenitors Fudongthing and Nazongnyu from the pure virgin snows of Mt. Kanchenjunga. The couple was instructed to live life siblings but they violated the rules and gave birth to several children. Itbumu is believed to have summoned the two and said, ‘you are committed a sin. I cannot allow you two to live in this sacred mountain any longer. As a punishment, both of you now must live in the foothills of Mt. Kanchenjunga as humans and fend for yourselves’ (Lepch cited in Nirola, 2014).

In the mean time, the abandoned babies grew up to be evil spirits and started troubling the peoples. After getting rid of seven children, the couple decided to keep their child who is now considered to be the first Lepcha. With their legends pointing Kanchenjunga as the place of origin, it is only understandable to find Lepchas living in the foothills in this mountain for a long time. They have no migration history although some scholars speculate their coming from the east. J .C White, the first political Officers of Sikkim, for instance writes, their origin is doubtful, as they did not enter Sikkim across the Himalayas or from Tibet, but are supposed to have come from the east along the foothills from the direction of Assam and Upper Burmah (White, 1909, 7).

3.1.3. Nepalis⁴

The word Sikkim is a combination of two words, ‘su’ which means ‘new’ and ‘Khyim’, which means ‘rice’ (Chopra, 1979, 11). According to Risley the Sikkim is derived from the two Limboo words “su” meaning new and “Khim” meaning house or place and it is associated with a new palace built at Rabdentse by Phuntsog Namgyal (Railey, 1995, 81). The word Sikkim was originated from Limboo vocabulary “Su Him” (new house) and the name was given after the marriage of Lepcha Chief with Limboo girl. According to a

⁴ Prof T.B. Subba has devised ingenious way differentiating Nepalese and Nepalis. He spells out citizen of Nepal as Nepalese and indigenous Nepali speakers of India as Nepalis (Subba, 1992: 67-74).

Limboo legends when the bride entered her husband's house she exclaimed in her own tongue 'Su-Hm', and thus in course of time, the word corrupted in to Sukhim, Sikhim and then to Sikkim (Jha, 1985:33).

Nepalis are the communities belonging to Mongloid (Matwali) groups like the Limboo, Manger, Gurung, Tamang and so on. Either they live in Sikkim or others. R.k Sprigg writes "the Limboo were living in Sikkim before there was Sikkim for them to live in." (Subba, 1999: 31-32). Among the three main ethnic groups in Sikkim, Nepalis population has the majority as compare to Lepcha and Bhutia.

3.2. Sikkim during Monarchial rule

3.2.1. The Namgyal Dynasty (1642-1975)

Prior to the Monarchical rule, Sikkim's demographic composition was primarily comprised of three tribes and they were known as the Naong, Chang and the Mon. But with the advent of the Lepchas, these tribal groups were gradually assimilated into the dominant culture. The beginnings of the Lepchas or their places of origin still remain ambiguous for it stands contested till today. It is purported that they came from somewhere between the borders of Tibet and Burma and another theory asserts that they belonged to the clan of Nagas of the Mikir, Garo and Khasia Hills which lie to the south of the Brahmaputra Valley(Kazi,2000:22). However, the Lepchas offer a somewhat different description of their places of origin. According to their tradition, they hailed from the east and following this route entered Sikkim. They were accompanied by Jindaxs, but later on left for Nepal and pass on their tradition. It is widely regarded that the Lepchas were animist by nature because they were ardent lovers of nature, their pantheon of Gods ranged from Mountain deities to worshipping of spirits and nature itself. By virtue of their natural affinity and deference towards their environs, they had their dwellings closer to the nature sustaining on what little the forests had to offer. Some of them cultivated crops like maize and millets and practiced shifting cultivation. Amidst all the pastoral and idyllic living, they were obligated towards their tribal chief and hence had to obey him and his decrees (Risley, 1995: 201).

The consolidation of the tribe into a society was due to the efforts of one leader named Tur ve pa no. later he is elected as a leader of the King called “Punu”. But unfortunately, he was killed in a battle following which his three sons ascended the throne. The monarchy thus ended abruptly with the demise of the last successor. Subsequently, a more liberal set-up was introduced for choosing a leader. He was to be elected by his people and post his selection; he had to provide counseling and advice on crucial issues (Dahal, 1984: 29).

During the 17th century, the Lepchas were displaced from their habitats and were made to shift somewhere else in order to avert any friction with the Bhutias. The exodus of the Bhutias or Tibetan migrants was due to the disputes between the yellow and the red hat sects. The Bhutias had a more aggressive approach as compared to the simple ways of the Lepchas. Thus began the usurping of unregistered lands of the Lepchas by the Bhutias. To a certain extent they were successful in terms of religious conversion of the Nature Worshipers (Lepcha) to Buddhism. Although some of them avoided and remained aloof of the intrusive way of the Bhutias. The Bhutias, sensing future hostility between the groups chose a venerable individual by the name of Phuntsog Namgyal to be the future monarch (temporal and spiritual leader) of the kingdom whose ancestry was traced from a legendary prince, who founded the kingdom of Minvang in eastern Tibet in the 9th century A.D. This dynasty ruled in the Chumbi and Teesta valley for a long time (Risley, 1995, 56).

According to mythology, a prince Guru Tashi of Minyang Dynasty in Tibet had a divine vision that directed him to visit south to seek his fortune in the “Denzong Valley of Rice”. So following this omen, he and his family left for the southern direction. Upon wandering he came across the Sakya Kingdom in which a monastery was built at that time. However, the further construction was stalled because of the inability of the workers to erect the pillars. Guru Tashi’s elder son, who was later to be renamed as Khye Bumsa (meaning the superior of ten thousand heroes) manages to erect the pillars single handedly (Chopra, 1979:12).

Upon knowing the feats of the young man the Sakya King offered his daughter in marriage to Khye Bumsa. After his father’s death, he settled in Chumbi valley and later

he established alliances with the Lepcha chieftain Thekong Tek of Gangtok. But the Bhutia chief was troubled because of the apparent lack of heir to the throne. So he consulted Thekong Tek seeking for solutions to his childless issue. Consequently, the Khye Bumsa was soon to be blessed with three sons by the Rong Chief and he also prophesied that his sons were to be the future rulers of Sikkim. Their relationship further developed and as a result the blood brotherhood treaty was signed at a place called Kabi Longtsok (ibid: 14).

Khye Bumsa was the father of four sons and it is believed that the four principle clans of Sikkim traced their ancestry with this four successors. Out of the four, the third son or Mipon Rab claimed heir to the throne. After the leadership of Mipon Rab, Guru Tashi, the fourth son assumed the throne and shifted the capital to Gangtok. Alongside, the death of Thekong Tek, the lepchas lose their solidarity and as a result it was segregated into minor clans. Thus for security and protection they turned to Guru Tashi and accepted to be ruled under him. Guru Tashi, appointed a Lepcha Sambre as his chief adviser and lieutenant. It was under his leadership that paved way for a regular monarchy. This way, Guru Tashi became the first ruler of Sikkim. He was followed by Jowo Nagpo, Jowo Apha and Guru Tenzing who pursued the policy creating progressively amicable relations with Lepchas (Fonning, 1985: 64-65).

Phuntsok Namgyal ascended the throne succeeding his father Guru Tenzing and great grandson of Guru Tashi was born in 1604. Before the crowning of Phuntsok Namgyal, omens and premonitions of all kinds marked the important occasion of the coronation. Meanwhile, three venerable lamas are said to have entered Sikkim from three different directions at the same time. They met at Yoksam and debated on the desirability of having a temporal and religious head to rule over Sikkim. The third lama reminded them of the prophecy of Guru Padmasambhava that a man from east and Phuntsok by name would rule Sikkim. Messengers were sent to seek Phuntsok. It was near Gangtok that the apparent heir to the throne was found and the Lamas thus crowned the ordained individual ceremoniously thus entitling him to kingship and monarchical rule. The venerated Lama, Lhatsun Chenpo's one of many names, Chogyal (religious king) and

Namgyal was given to the young king. All this took place in the year 1642. The Namgyal dynasty ruled over Sikkim as hereditary kings for about 332 years (Basnet, 1984:66).

Phuntsok Namgyal and the three saints were successful in bringing the Lepcha tribes under the Buddhist fold. Politically, Sikkim expanded its borders, which included Chumbi valley, the present Darjeeling district and a part of present day Nepal and Bhutan. The capital of Sikkim was established in Yoksam itself. The Dalai Lama recognized Phuntsok Namgyal as the ruler of the southern slopes of the Himalayas (Sikkim) and is also credited to have sent ceremonial presents such as the silken scarf bearing Dalai Lama's seal, the mitre(hat) of the Guru Rinpoche, the devil dagger (Phurpa) and the most precious sand image of the Guru. Consequently, the newly established Bhutia principality of Namgyal Dynasty was tied to Tibetan Theocracy.

Since then up to the 19th century, the Bhutia rulers of Sikkim looked up to Tibet for protection against political foes. Phuntsok Namgyal was an efficient and capable administrator. He divided his kingdoms into twelve dzongs or districts and appointed Dzungpana i.e. governor for each. He also declared Mahayana Buddhism as the state religion, which continued to be the state religion under all the Namgyal rulers. He was diplomatic enough to keep the Lepchas, Bhutias and the Limbus together. The Governors were appointed from the Lepchas who were then in majority. Since Yatung, the greatest commercial Tibetan center being nearer to Gangtok posed some danger; he shifted his capital to Yoksom (ibid: 55).

The newly consecrated King ruled over vast tracts of land, many times the size of present of Sikkim. Kingdoms like Thang La in the Tibet in the north, Tagong La near Paro in Bhutan in the east and the Titalia on the borders of West Bengal and Bihar in the south all came under the jurisdiction of Chogyal Phuntsok Namgyal. The namgyal was persuaded by the lamas to seek recognition from the Dalai Lama of Tibet.

Tensung Namgyal, the son of Phuntsok Namgyal succeeded him and moved his capital to Rabdentse. He had three wives- a Tibetan, a Bhutanese and a Limbu girl. The latter was the daughter of the Limbu chief Yo Yo-Hang. The chief's daughter brought with her seven girls who were later on married into important families of Sikkim. Many of them

rose to the rank of councilors to the King. These councilors later on came to be known as Kazis who enjoyed immense power and privileges.

After the death of Tensung, Chador Namgyal a minor son from Tensung's second wife succeeded his father. Pedi, the daughter from the first wife who came from Bhutan was displeased with the succession so she sought Bhutanese intervention. After becoming aware of her intentions, Yungthing Yeshe, a loyal minister took the minor king to Lhasa. During his stay there, Chador Namgyal distinguished himself in Buddhist learning and Tibetan Literature. By the dint of his acumen and scholarship he rose to the position of state astrologer to the sixth Dalai Lama. The Dalai Lama was very much pleased with the erudition of the young scholar that he bestowed high honors and titles on the young king. The king also received an estate in central Tibet with sovereign rights. Meanwhile, the Bhutanese forces had captured the Rabdentse palace and imprisoned the son of Yungthing Yeshe. But on the intervention of Tibet, King Deb of Bhutan withdrew. Chador Namgyal came back and drove out the rest of Bhutanese forces.

However, the south-eastern tract was lost as it had been heavily colonized by then. Another attempt to capture the rest of Sikkimese territory was made by the Bhutanese. Chador Namgyal gave a tough resistance but areas now called as Kalimpong and Rhenock were lost forever. Chador was himself religious and took steps for the propagation of Buddhist religion in his territory. He also ensured that the second son of every three sons from a Bhutia family must be ordained as a monk of the Pemiongchi Monastery, which was also open to the Tsongs. He also constructed the Guru Lhakhang Tashiding (1715) and patronized the sacred places but also adapted the religious dances (mystery plays) to preserve the martial and native traditions. He also invented an alphabet for the Lepchas. But amidst all this, her half sister, Pedi was still not content with the current situation. She therefore hatched a plan with the Tibetan man of medicine and caused Chador Namgyal's death by way of bloodletting from a main artery while the king was holidaying at Ralang hot water spring in 1716. A force was sent to Namchi for the execution of the doctor and Pedi. They were strangled to death by a silk scarf.

Gyurmed Namgyal succeeded his father Chador. Consequently upon a Mongol invasion on Tibet who wanted to persecute Nyingma sect, the Mindoling Abbot's sister. During

his reign, people were forced to work on the fortification of Rabdentse to ward off further conquests of Gurkhas and Bhutias. Many Tsongs were not prepared for this kind of labour so they fled to Limbuana, which later became a rebel district and broke away from Sikkim even earlier to Gurkha expansion. Boundary skirmishes with Bhutan also arose. Limbuana was however, lost to Nepal.

King Gyurmed, when he was on his death bed said that a nun in Sanga Choling was carrying his child. But if rumors are anything to go by, it was believed that King Gyurmed shunned his wife and was impotent. But to shield the Namgyal dynasty from disruption, the lama priest concocted a story that a nun was carrying the child of the king. Fortunately, the nun delivered a male child and he was accepted as heir to Gyurmed. He was named as Phuntsok after the first temporal and the spiritual head of Sikkim.

Post the coronation of Phuntsok Namgyal II, there were many people including the Bhutias who doubted the legitimacy of the King and opposed the move. Tamdang, a close confidante and treasurer of Gyurmed seized the moment and lost no time in usurping the throne. He continued to rule for three years. The Lepchas fought against the pretender under the leadership of Chandzod Karwang. Tamdang was defeated and fled to Tibet to seek guidance and support. Under the reign of the young king, a convention representing all shades of Sikkimese population was held which was to define functions, powers and responsibilities of the Government. Annual taxation was also introduced to augment the state treasury. The Magar tribe lost its chieftain during this time and asked the regent to appoint the deceased's son as chieftain. But the king's inability to do so enraged the Mangars, thus he lost their support forever. The later years of Phuntsok II witnessed Gurkhas making inroads in Sikkim under the leadership of Raja Prithvi Narayan Shah of Nepal. The Gurkha inroads were beaten back seventeen times. A peace treaty with Nepal was signed in 1775, and Gurkhas promised to abstain from further attacks and collaboration with Bhutanese. But the Gurkhas at a later stage violated the treaty and occupied the land in western Sikkim. Phuntsok II had three queens but had a son Tenzing Namgyal from his second queen in 1769.

During Tenzing Namgyal's rule, Nepali forces occupied large chunks of Sikkim territory. The Chogyal was forced to flee to Tibet after they invaded Rabdentse. Post the successful

Nepalese incursions; it emboldened them to penetrate even into Tibet. But with the Chinese intervention, Nepal was defeated. The next successor to the throne was Tsudphud Namgyal who was sent to Sikkim in 1793. He shifted the capital to a place called Tumlong since Rabdentse was now considered too insecure because of its proximity to the Nepal border.

Nepal continued with its expansionist designs and thus followed an increase in attacks into the neighboring British territories and Sikkim. British India befriended Sikkim for two reasons: firstly, by doing so the expanding plans of Nepal would be curtailed and secondly, they looked forward to establishing trade link with Tibet and it was felt that the route through Sikkim was the most feasible one. Another war broke out between Nepal and British India in 1814 and came to an end in 1816 with the defeat of the Nepalis and the subsequent signing of the treaty of Sugauli. British India signed another treaty with Sikkim in 1817 known as the Treaty of Titalia in which former territories, which Nepal had captured, were restored to Sikkim. With this, British India had assumed the position of Lord's paramount of Sikkim and a title to exercise a predominant influence in that state has remain undisputed.

The British was interested in Darjeeling because of its location, which could serve as an outpost from where Tibet and Sikkim would be easily accessible and as a hill resort. Following a lot of pressure from the British, Sikkim finally gifted Darjeeling to British India on the understanding that a certain amount would be paid as annual subsidy to Sikkim. The deed was signed by the Chogyal Tsudphud Namgyal in 1835. The British appointed a superintendent in the ceded territory. The British however did not shell out the compensation as had been stipulated and this led to a quick deterioration of relation between the two countries. There were also differences between the British Government and Sikkim over the status of people of Sikkim. Because of the increased importance of Darjeeling, many citizens of Sikkim mostly of the labor class started to settle there as British subjects.

The migration disturbed the feudal lords in Sikkim who resorted to forcibly getting the migrants back to Sikkim. This annoyed the British Government, which considered these

as acts of kidnapping of British citizens. The relations deteriorated to such an extent that when Dr. Campbell, the Superintendent of Darjeeling and Dr. Hooker visited Sikkim in connection with the latter's botanical research; they were captured and imprisoned in 1849. The British issued an ultimatum and the two captives were released after a month of detention. In February 1850, an expedition was sent to Sikkim, which resulted in the stoppage of the annual grant of Rs. 6000/- to the Maharaja of Sikkim and also the annexation of Darjeeling and a great portion of Sikkim to British India (Bhattacharya, 1994, 19, 22).

Sikkim resorted to making attacks into British territories and it was in November 1860 that the British sent an expeditionary force to Sikkim. This force was driven back from Rinchenpong in Sikkim. A stronger force was sent in 1861 that resulted in the capture of the capital Tumlong and the signing of a Treaty between the British and Sikkimese the same year. His son Sidekeong Namgyal succeeded Tsugphud Namgyal in 1863. The British Government started the payment of annual subsidy of Rs. 6000/- in 1850 for Darjeeling. In an attempt to keep good relation with Sikkim, the British enhanced the subsidy to Rs. 12000/- per annum (ibid).

The British meanwhile were making concerted efforts to establish a trade links with Tibet and also imposed their influence. A delegation led by Colman Macaulay, Financial Secretary to the Bengal Government of British India was sent to Sikkim in 1884 to explore the possibility of establishing a trade route with Tibet through the Lachen Valley (Basnet, 1984, 55).

In 1947 when India became independent, Tashi Namgyal was successful in getting a special status of protectorate for Sikkim. This was in face of stiff resistance from local parties like Sikkim State Congress who wanted a democratic setup and accession of Sikkim to the Union of India (Datta, 2013, 69). The treaty signed between India and Sikkim ratified the status of Sikkim as a protectorate with Chogyal as the Monarch. Tashi Namgyal died in 1963 and was succeeded by his son Palden Thondup Namgyal. By the beginning of 1970 there were rumbling in the political ranks and file of the State, which demanded the removal of Monarchy and the establishment of a democratic setup (ibid).

This finally culminated in wide spread agitation against Sikkim Durbar in 1973. There was a complete collapse in the administration. The Indian Government tried to bring about a semblance of order in the state by appointing a Chief administrator Mr. B. S. Das. Further events and election led to Sikkim becoming transformed from a protectorate to an associate State. On 4th September 1947, the leader of Sikkim Congress, Kazi Lendup Dorji was elected as the Chief Minister of the state. The Chogyal however still remained as the constitutional figure head monarch in the new setup (Shefali, 2012, 20).

Events leading to the confrontation between the Chogyal and the popular Government caused Sikkim to become a full-fledged 22nd state of the Indian Union on 16th May 1975. The institution of Chogyal was subsequently abolished.

3.2.2. Emerging Ethnic Communities

After 1891 only Lepcha, Bhutias and Limbus are taken as distinct ethnic groups and others communities like Tamang, Gurung, Manger, Sherpa etc. come to be regarded as different castes of the Nepalese society. The Census report of 1931, states that out of a total population of 109,808 there were 13,060 Lepchas, 11,955 Bhutias and the rest were mainly Nepalese. The 1971 Census Report gave the percentage of population by language, the Nepali speakers constituted 63.97 percent, the Lepchas and Bhutia languages were spoken by 10.63 percent and 11.23 percent of the total population respectively (Grover, 1974, 12, 18).

3.3. Post-merger Identity Politics

3.3.1. Merger vs. Anti-merger

The word 'merger' has made history, indeed it is itself a history. A new historical development took place on 16th May 1975 when Sikkim merged with the Indian Union and it became the 22nd state of India. After the merger of Sikkim with India, Kazi Lhendup Dorjee Khangsharpa was sworn in as the first Chief Minister of Sikkim. Nar Bahadur Bhandari, the former Chief Minister of Sikkim who remained in power from 1979 to 1994, was the main person who played a major role in anti-merger of Sikkim. He

fought the elections under the Janata Parishad and won 16 seats for his party (Kazi, 2009, 65)

The Government of India agreed that the modalities of elections would no longer hold good. For the first time Indian officials would delimit the constituencies and the parity formula would be modified. The latter point was a subject of intense debate and discussion between the Chogyal, the political parties and the Government of India during the year that lapsed between the demonstrations and the elections (Basnet, 1984: 89). Henceforth it would be this triangle pattern that would characterize all talks on the Sikkim Question. The Chogyal wanted adequate safeguards for the minority communities, and he did not see how this could be brought about without the parity formula.

The Sikkim Congress and the Janata Congress did not want elections under the parity formula the election of India was asked to resolve the impasse. Finally a constitution was made on Assembly and the State has been divided into 32 Constituencies in which 15 seats has been reserved for Nepali Communities and 15 seats for Bhutia/Lepch, one seat for the Sangha (monastic community); and one for the Schedule Castes. The significant difference from previous elections was change in the voting system (Sinha, 1975: 105). In 1974, the 'one man one vote' principle, as utilized in the Indian pattern for reserved constituencies, was introduced.

Under this system, the candidate must be from the community for which the seat is reserved, but the contender receiving the largest number of votes cast by the entire electorate is considered community and 15% from the other community to win election (ibid). This appeared to be the only formula that could safeguard the interests of the minority Bhutia and Lepcha communities and at the same time satisfy the majority Nepali Sikkimese. The idea of the adult suffrage on a free and fair basis was also endorsed by the Chogyal, and the agreement between the Government of India, and the leaders of the political parties provided the basis for the 1974 elections.

The agreement of May 8, 1973, moreover, also called for drastic change in the system of government and was ultimately responsible for the elimination of Sikkimese royalty. In addition to the system of elections based on adult suffrage which will give equitable

representation to all sections of the people on the basis of the principle of one man one vote”. It also vested the Government of India with the ‘responsibility for the establishment of law and order and good administration in Sikkim following the breakdown of all three’ (Article 2 clause 1) (Chaube, 1987:25). The agreement envisaged a Sikkim State Assembly elected for a four year term. The elections were to be conducted by Election Commission of India who was to be appointed by the Government of Sikkim (Clause 4). The agreement also laid down the fourteen subjects that could be discussed by the Assembly, six more than those listed in the 1953 Act, which also specified the subjects that could be discussed by the Council. Under the 1973 Agreement, as under the 1953 Act, the Assembly could not discuss the Chogyal and member of the royal family,’ matters pending before the court of law and those subjects for which the Government of India was responsible under the 1950 Treaty. The Agreement also provided for the formation of an Executive Council and included provisions intended to protect the interests of the minority communities (Lama, 2001: 90).

The role of the Chogyal was also defined. He was to perform his functions in “accordance with the Constitution of Sikkim”. While the Constitution was only promulgated a year later, even in the 1973 Agreement there were strong indications that henceforth the role of the Chogyal was to be no more than that of a constitutional ruler.

3.3.2. Genesis of Sikkim Subject-hood

The origin of Sikkim Subject can be traced back to the year 1950s, when Sikkim became a protectorate, under independent India (by an India-Sikkim Treaty of December 5,1950); as such, it enjoyed autonomy with regard to internal affairs, with India having exclusive responsibility for defense, external affairs and communications and ultimate responsibility for law and order and good government. In 1947, when British India was divided into two political units, India and Pakistan, demands by the Congress party (the first political party) for a full merger with India were opposed by the Chogyal (Niraola, 2014).

For the first time in the year 1961 the Chogyal promulgated the Sikkim Subjects Regulations, 1961, principally for the purpose of checking the influx of foreigners⁵ into Sikkim. The Sikkim Subject was defined as a person who was born in the territory of Sikkim and was a resident therein and similarly situated persons (Coelho, 1983: 30).

Firstly, the Citizenship Act, 1955 was extended to the state of Sikkim and all the persons whose names were recorded under the register maintained under the Sikkim Subjects Regulation, 1961 were made Citizens of India. However, that the person of Indian Origin in Sikkim who were Indian citizens did not have to specially acquire Indian citizenship (ibid)

3.3.3. Onset of Plainsmen

Sikkim consist of three main ethnic groups as a domicile i.e. Lepcha, Bhutia and Nepali. Others are Marwari, Bihari, Bengali and Nepal nationals as business men, labourers and manual workers (Tamang & Das, 2014: 3). By the early 1860s, with a tea industry dominated by British capital flourishing in Darjeeling, and with a growing interest in opening up Tibet for trade, the process of reversal of Sikkim's allegiance was completed. In 1861, the first official treaty between Sikkim and British India was signed. By this treaty, Sikkim described officially as 'protectorate' of British India, had to pay regular tribute to the Government of India.

More important, it was formally opened up as a transit route to southern Tibet. In 1888, alleged Tibetan incursions into Sikkim served as another pretext to the British Government of India appointed a Resident Political Officer to administer the affairs in collaboration with local officials. Thus, British imperialism gained complete control over Sikkim. The business prospect in Sikkim and its geographical location had preferable spot for migration of the community of Indian origin dominantly from Hindi-speaking community. The geographical existence of the state had been favourable for developing a close commercial inter-course with Nepal, Bhutan and Tibet through Sikkim during the days of monarchical Sikkim and still (Saha, 2003:122).

⁵ People who migrated from Nepal, Bhutan and Tibet

When Sikkim turns to be part of India 1975, this section of the community remains with the present Sikkim. Alongside the business community living since prior to India sovereignty into Sikkim, there are other newer business community are living in present Sikkim with a considerable flow of migration of this community under “Sikkim work-permit regulation”. This regulation was adopted under the Sikkim subjects Regulation of 1961 which was entertained to protect Sikkimese people from the encroachment of outsiders and migrant community (Grover,1974: 120) though it turned to be controversial and later certain part of it was rectified. The Chogyal of Sikkim had welcomed these Indian businessmen and allowed them to expand their business. They were granted rights at par with Sikkimese where commercial enterprise was concerned (Sudharkar & Gusain, 1991:82).

Conclusion

Sikkim is a tiny state, encompassed a number of political transitions and upheavals which had a direct impact on identity problems among the various communities of the state before or after it became federal unit of India. It is known to be a peaceful state but many internal problems with in a community of the state cannot be overlooked.

Sikkim witness many political, cultural and economic uprising during the period of Chogyal, there was opposition monarchy in Sikkim and demand for written constitution, system of voting, electoral reforms, land and administrative reforms. Anti Chogyal riot at Gangtok took place on 28th March, 1973. Chogyal had to seek help from the Indian Government which lead to tripartite agreement between the political parties of Sikkim, the Chogyal and the Foreign Secretary of India, Kewal Singh. The agreement made the monarch a constitutional head and in April 1974 the first democratic election was held in Sikkim. A new historical development took place on 16th May 1975 when Sikkim merged with the Indian Union and it became the 22nd state of India.

This chapter explained about the emergence of identity politics in the state since 13th century. The blood brotherhood treaty between Lepchas and Bhutias has a significant value within the state history. The three main ethic groups have their own folk lore about the emergence of the state which is directly correlated with their social life. The identity

crises has been visible within Sikkim among few communities before and after state merged with Indian Union. This chapter gives the history of such issues and next chapter will explain about the socio economic and political issues which are associated with the case study.

Chapter IV

SOCIO-ECONOMIC AND POLITICAL ISSUES ASSOCIATED WITH THE OLD SETTLERS

Introduction

This chapter has discussed on Socio Economic and political issues relating to the Old Settlers of Sikkim. It tries to study the history of pre and post merger era in Sikkim, the history the Old Settlers. It basically focuses on the three main issues such as social, political and economy of Old Settlers in Sikkim.

The main conflict between Old Settlers and native communities of Sikkim has been highlighted. For the purpose of the study, Old Settlers Data Analysis and interpretation (Field Work) has been incorporated to validate the study. The word Old Settlers and *Purano Byapari* (Old Businessmen in English translation), has been used interchangeably in this chapter.

4.1. Old Settlers of Sikkim

Sikkim has been known as the dweller of multi-ethnic Communities/Societies with lively festivals and joyous environment around. Initially Sikkim was dense forests where people were discovering the primitive land and plough field. The starting of agricultural system became the sole occupation of the people. Gradually, with the due course of time this country experienced the flow of migration which resulted in trade the low sparsely populated country had been the centre for migration from all over the neighbouring countries (K.Chaudhuri, 2009). On the whole, through Sikkim the Border trade between India and Tibet (Now China) was regulated that's attracts the traders to flow in Sikkim.

The plain areas such as "Uttar Pradesh, Rajasthan, Haryana, Bihar and West Bengal have been the core places from where people had migrated to Sikkim in search of better occupation and livelihood. These people were generally termed as 'plainsmen' or 'business communities' (Sarma, 1994). The business prospect in Sikkim and its geographical location had become a preferable spot for migration of the community of Indian origin dominantly from Hindi-speaking community (Jha, 1985). The Old Traders in Sikkim who have settled since the Chogyal regime have prospered in their business .It

is also said that Chogyal had invited these businessmen to work under the royals and look after their some administrative work too. The settlement of this Old Traders of Indian Origin can be traced back 1880s, their origin and how they established in this virgin land and unfolding their identity from past till present have been the major aim of the study which is given in details in further.

4.1.1. The Background and Brief History of Old Settlers in Sikkim

The migrated populations called Old Settlers of Sikkim have been living for a century i.e. around one hundred thirty years from today but do not hold the domicile of the state, though they have been living in Sikkim since many generations and established their business. The main source of their income is generating through trade and commerce (Joshi, 2004:137). These people are locally recognized as the '*Purano Byapari*' infact, since the era of Chogyal these people were locally recognized as the '*Purano Byapari*' (Lepcha, 2009:7).

The old traders in Sikkim consist of different communities which include Marwari, Bihari, Nepalese and Tibetans. For the purpose of this study '*Purano Byapari*'s' organization which was popularly known as '*Purano Byapari Sangha*', recently changed the name to Association of Old Settlers of Sikkim (AOSS) in the year 2005 has been taken as case to examine. The Marwari and Bihari represent this organization. The existence of '*Old Settlers*' in Sikkim since century can be traced from the advent of first British Political Officer Mr. James Claude White who was in charged to collect tax and maintained the record of trade and administration of Sikkim (Lama, 2001:83).

Initially, the Chogyal of Sikkim had invited these traders to bridge the gap of trade because during that period, the inhabitants of Sikkim hardly indulged in business. They were granted rights at par with Sikkimese where commercial enterprise was concerned (Sudhakar & Gusain, 1991:81). The first Bank in Sikkim was started with the blessing of Old Settlers. The renowned Marwari Bankers, Messers Jetmull and Bhojraj had opened a branch of their bank at Gangtok, the capital of Sikkim in the year 1899 (Saha, 2003:192). Since the coming of Old Settlers, the demographic profile of Sikkim was shared among Bhutia, Lepcha, Nepali and '*Purano Byapari*'.

The idea of democracy and revolt against Chogyal during the first half of 1970 among the peoples of Sikkim bring down the monarchy rule. Since 1975 Sikkim merger with Indian Union as 22nd State of India, mark the beginning of new history of Sikkim, in a way it's experienced the major in-migrants from within India than abroad (Lama, 2001: 11). The influx creates a large havoc after 1975, one of major problems among many other were the question on citizenship, actually since then the cause of the conflict between Old Settlers and Native Sikkimese seed was sowed.

During merger period, the Old Settlers were not in the surfaced of the problem with the native Sikkimese, it was Nepali migrated population .It is a historical fact that a very large number of Nepalis had migrated and settled down in the State of Sikkim and even up to its merger with India. Over the decades their population has far outnumbered the original inhabitants of Sikkim and they became a very powerful and influential community constituting about 70 percent of the electorates (Coelho, 1983:20).

For the first time the Chogyal promulgated the Sikkim Subjects Regulation, 1961, principally for the purpose of checking the influx of foreigners into Sikkim. The Sikkim Subject was defined as a person who was born in the territory of Sikkim and was resident therein and similarly situated subject under this section, unless he makes a declaration that he is not a citizen of any other country at the time of inclusion of his name in the register of Sikkim subjects” (Das,1983:32,34). The result of this caveat was that an Indian citizen whose ancestors had settled down in Sikkim for generations had to give up his citizenship of India therefore no surprise, that only about 37 persons of Indian origin were prepared to give up Indian Citizenship and become subjects of Sikkim and naturally therefore citizens of Sikkim as they could not be stateless persons (ibid).

In 1965, the Chogyal of Sikkim notified the Sikkim Work permit Rules, 1965, by which all “foreigners” under the Sikkim Work Permit Rules, 1965 was defined as “foreigner means foreigner other than Indians”. Persons of Indian origin were therefore not considered as foreigners in Sikkim and not required to obtain a work permit irrespective of the fact that they were not Sikkim subject. Many of the Indians were also on the voters list of Sikkim (Datta, 1991: 77).

4.1.2. Arrival and Settlement of Business

The onset of plainsmen can be seen from the year 1880 when Sikkim was a kingdom and trade had played an important role, It opened up, the need for economic interest of the business community and the fact that the first banking was introduced to Sikkim by a member of this community such as Jetmull and Bhojraj as mentioned before. These plainsmen participated in the famous trans- Himalayan trade, some had also served as tutors to the royal family members of Chogyal (Sarma, 1994: 40).These communities were settled in almost all the four districts of Sikkim, in East district, Singtam, Rangpo, Ranipool, Jalipool, Gangtok, in West district Geyzing and Ravangla and in South district Jorethang, and Namchi became the new home to the old Settlers in Sikkim in the initial phase (Sarma, 1994:30).

An area of Sikkim near Tista Bazar depended entirely on the bazaar for its supplies of food and other commodities from these business communities .Their relation with the three communities of Sikkim such as Bhutia, Nepalese and Lepchas of Sikkim can be seen as friendly and they intermingled well (Sadangi, 2008 : 268).

The essential part of any settlement is the establishments of market where these communities have flourish their business in Sikkim (Choudhury, 2006: 96). Their main business was selling of clothes, grocery, stationary, Manihari, Hardware and money-lending (Bhatt & Bhargava, 2006: 23). In the year 1953, the Government of Sikkim under the Department of ‘Works and Bazaar’ gave them license to work by the Sikkim Durbar under the following terms and condition:-

They shall abide by the Municipal Rules already promulgated for the bazaars in Sikkim, they shall pay the Income-tax, they shall not sell or expose for sale any stale or adulterated article in the shop and lastly, the same license should be used for selling of cloths under the Officer-in-Charge Rationing Department, Gangtok, Sikkim... (Bazar Department, 1975).

These licenses gave them an opportunity to work freely without any hindrances and help the state to flourish and no strong laws were levied on these ‘Purano Byapari’.

In Sikkim before the invention of coin minting (Dooba paise) the exchange of goods and commodities (barter system) were usually practiced by the sikkimese people. As trade had been the main occupation in the country, people mainly brought all those goods like-kasturi (musk deer), jadibuti (medicinal herbs), bhotey soon (gold brought from Tibet) etc. from the nearest border of Tibet and in exchange of those goods; the products like masala (spices), wool, and were imported during that period. The main hub of the business was situated in Kalimpong sub-division of Darjeeling district, West Bengal, where all the products of business were sold in a place named 'Mandi' (market) (Sarma, 1994:42).

During those times the opening of few small shops were found near the Durbar of Chogyal, which was located in the Ridge park, the business community had such few shops which were popular in those days and sometimes in the absence of the shopkeeper the shop was not locked but left open all day long because of the trust which they had with the people of Sikkim. Later in the year 1912 and 1913 most of the Old businessmen shifted their shops from the durbar to Purano Bazar (which is now M.G.Marg) along with those few shops the animals like mules and horses were kept behind those shops which were used as a means of transportation by people since vehicles did not existed back at that time (ibid).

The people used to call these businessmen as *Mahajan* (money-lender) and pleasure them with great respect. These money-lender had helped the people of Sikkim in there crucial times when money was an urgent requirement (Timberg,1978:24).The mixing of culture and tradition among the three ethnic communities i.e. Bhutia, Lepcha and Nepali along with the business community could be seen coherently in Sikkim with the festivals like Losar, Panglabshol, Dassain and Tihar the festivals of sikkimese community along with their festivals like Holi, Diwali and chhat puja which are known to be the main religious festivals for the Biharis and Marwari community (Niralo,2014:50).

The celebration of festivals with joys and togetherness of all the communities were reflected as great symbol of unity and diversity on its own. Apart from business these community was excellent in music and recreations like acting, singing and dancing. They never missed the chance to amuse people by their shows in Purano bazaar, a place where

all the events were organized by these groups of Bihari and Marwari community. Renowned men such as Suryamal Mudra, Bhanwar Lal Jain and Mohan Lal Sarada were some of the few artists who used to entertain people with the shows of comedy and act of play near Jetmull and Bhojraj banks in the main bazaar. Their plays depicted contemporary issues of the society. They also played 'dandiya' (the stick dance) which was organized in the festivals for the entertainment and the money collected from these events was utilized as a fund for the establishment of the first Public Library in Sikkim. In later half of the 1950s, India's got Independence, on the very occasion this community marched in the rally and celebrated Independence Day and Republic day. The songs which were popular like '*Rang de basanti chola*' and '*meri desh ki dharti*' were sang in the plays and performed well by this community. The freedom movement celebration could be openly seen in Sikkim. All the funds collected by these artists were used to buy books for the only Library in the state. In the year 1965, 'Yuva Library' was established by P.C. Mudra the founder of Library in Sikkim (Interview: 5).

The old business community had entered Sikkim with the prime motive to trade and at same time also worked for the welfare of the society. Their past and present status has changed throughout the time. They do not want to be called as 'Plainsmen Business Community' but instead want to be known as the Old Settlers of the state but it was not possible because time and again they have been referred as 'plainsmen' and 'outsider' in general. Therefore, this reference as 'plainsmen' by Sikkimese has raised the feeling of identity crisis among business community because this 'plainsmen identity' arises the sense of 'outsider' which is not preferred by the community (interview: 6).

4.1.3. Questions on Identity:

According to the Group named Nagarik Sangharsha Samiti (NSS) who strongly condemn the use of this nomenclature 'Plainsmen Business Community' which makes them feel separated from the social cluster of Sikkimese society and deprived of equal rights at par with the former Sikkim Subject Holders (Kavita, 2008: 16).

Previously their identity had never been questioned by the other ethnic community. But the transition of social status and the demand of equal rights with domicile holder have been created recently. Earlier the business community from the plain areas was popularly

known as 'Purano Vyapari Sangha' meaning (Old Business Group) but now they have been identified as the 'Association of Old Settlers Organization' or AOSS. Digging the past in the year 1950 when Sikkim was the protectorate of India, all external affairs, defense and communications were carried out by India itself, the signing of Indo-Sikkim Treaty resulted in the bloom of friendship among the two countries (Gover,1974:95). After signing of this treaty there were major increase of influx of people from India, and Nepal, moving from 17 percent in 1971 to nearly 57 percent in 1991. The first general election was held in December 1953 and later in the year 1961 the Sikkim Durbar had promulgated the Sikkim Subject Certificates (SSC) to the citizens of Sikkim for safeguarding its people from the rules regarding citizenship to the various residents of Sikkim. The regulation defined that the status of Sikkim subjects gave rise to growing political strife until the Government of India intervened and finally Durbar had to make some changes in the regulation (Dhakal, 2003:31).

The status of Sikkim Subject certificate which is a very ambiguous concept and despite it being citizenship certified it was surrendered after Sikkim became part of India in the year 1975. The Sikkim Subject was repealed and Certificate of Identifications was issued to Sikkimese citizens and it was issued by Govt. of Sikkim (Basnet, 1984 : 95). There was large number of people who were left out, and who had migrated from other parts of the country like Nepal and Tibet.

The result of this caveat was that an Indian citizen whose ancestors had settled down in Sikkim for generations had to give up his citizenship of India. Therefore with no surprise, that only about 37 persons of Indian origin were prepared to give up Indian Citizenship and become subjects of Sikkim and naturally therefore citizens of Sikkim as they could not be stateless persons (Venugopal, 2009:41). Though these Regulations were promulgated, no differential treatment was meted out to them except to the extent already stated, namely that they could not hold hands in rural areas.

“...from becoming Indian citizen who were neither Indian nor Sikkimese, the Sikkimese Citizen having Sikkim Subject automatically became citizen of Indian, so the government through the MHA Order No.26030/36/90ICI Dated 7/8/1990 and April 8, 1991 on the basis of MHA Order No.26030/69/88ICI

dated 20th March 1989 with Guidelines thereto made them citizen of India and issued them Certificate of Identification” (Writ petition, 2008: 6).

In this context it would be relevant to keep in mind that in 1965, the Chogyal of Sikkim notified the Sikkim Work permit Rules, 1965, by which all “foreigners” under the Sikkim Work Permit Rules, 1965 was defined as “foreigner means foreigner other than Indians”. Persons of Indian origin were therefore not considered as foreigners in Sikkim and not required to obtain a work permit irrespective of the fact that they were not Sikkim subject. Many of the Indians were also on the voters list of Sikkim (ibid: 9).

The Indian citizens residing in Sikkim until April 26, 1975 chose not to obtain Sikkim Subject Certificates under the provisions of the Sikkim Subjects Regulation, 1961 as they were already citizens of India.

The Centre has faced major confusion about the citizenship issue in the state. “It failed to grant Indian citizenship to non-Sikkim subjects, who voted for the 1975 ‘referendum’, on the ground that they were not genuine Sikkimese” (Sikkim express,2009:1). The Centre officially recognizes a section of population in Sikkim as ‘genuine Sikkimese’, whose names were ‘left out’ from the Sikkim Subjects Register on various grounds, and grants them Indian Citizenship (Telegraph, 10th July 2010:3).

4.2. Contestation of Old Settlers Identity

The Association of Old Settlers Community (AOSS) laid questions that provide them with no answers from the state and the Central Government of India. They had to seek justice from the apex court of the Supreme Court in order to demand exemption on Tax levied by Central government in the year 2008. This arises major issue of citizenship and its rights in state. The silence from the government has reverberated the mass of Old Settlers boosting the power to voice. Social, political and economical aspects of Old Settlers are the three factors which can explain their core identity in details and their impacts on the state and its people in general.

4.2.1. Identity and Old Settlers

Since the day of the formation of Association of Old Settlers of Sikkim (AOSS), the issue of business community and their identity is floating on the political, economic and social aspect in Sikkim. The community has started to be recognized as Old Settlers community in the state. The organization has been raising the voice that the business community or the Old Settlers are deprived or discriminated in socio-economic sphere in the state. Recently, The AOSS has filed a petition against the Finance Department, Government of India in Supreme Court of India demanding to get Income tax exemption at par with the Certificate of Identification (COI) for Old Settlers of Sikkim. The association claims that the collection of the tax was discriminatory and violated Article 15 of (prohibition against discrimination) the constitution, stating the exemption was granted subsequent to an amendment in the Finance Act in 2008. *Vide* Finance Act, 2008, a new clause (26AAA) has been inserted in section 10 of the Income-tax Act, 1961 ('Act') with retrospective effect from assessment year 1990-91. Under the said clause, the following income accruing or arising to a Sikkimese individual is exempt from tax—

- (a) Income from any source in the State of Sikkim; or
- (b) Income by way of dividend or interest on securities.

Income accruing or arising to a non-Sikkimese individual residing in the State of Sikkim continues to be liable to tax under the Act. In the case of such individuals, it has been decided that—

(a) For assessment year 2007-08 or any preceding assessment year, no assessment or reassessment shall be made with regard to the following income—

- (i) Income from any source in the State of Sikkim; or
- (ii) Income by way of dividend or interest on securities.

(b) In case any proceedings have been initiated for assessment year 2007-08 or any preceding assessment year for not filing the return of income, such proceedings shall be dropped. (c) In case any assessment or reassessment proceeding has been initiated for assessment year 2007-08 or any preceding assessment year and assessment orders have not been passed, the aforesaid income shall be accepted as per the return. (d) For the assessment year 2008-09 and subsequent assessment years, assessment or re-assessment, if required, shall be made in accordance with the provisions of the Income-tax Act, 1961.

These instructions shall apply only to non-Sikkimese individuals residing in the State of Sikkim -

4.2.2. Tax Exemption

The taxation system in Sikkim dates back to 1730's. It was started after the appointment of Rabden Sarpa by the Tibetan Government as a regent to Namgyal Phuntsog (1733-1780) the Fifth ruler of Sikkim. The said regent began to collect taxes from all of the Sikkimese subjects like the Rongs, Tsongs Magars and the Bhutias. Back then, the form of taxes includes granules, maize, millet, local beer etc (Sinha & Subba, 2003) .The collection of taxes in the form of cash or kind was commenced in Sikkim after the advent of the Nepalis people.

The Administrative Report for the years 1936-37 and 1937-38 states that provision for income tax were made during the Political Officer's regime in Sikkim. Revenue was collected in the form of income tax from the individual farms of the trading communities of Sikkim⁶. The earlier reports have not highlighted anything in details about income tax in the state. However, from the year 1918 income tax began to be levied on all traders at one percent of all the value of sales⁷. It was in 1932 the Government of Sikkim issued a notification for the realization of income tax at a revised rate from the traders and businessmen. The notification states, "It is hereby notified for the information and guidance of the inherent traders in Sikkim that with effect from 1st July 1932, they shall pat to the Durbar a sum of rupees five only per annum, as income tax.

The sum should be paid, in advance for which a whole year season ticket will be issued by the Bazar inspector. No trader or traders shall defy the contents of the notification but shall pay the amount on demand on the spot." Since the Bazaar inspector was authorized to collect the said revenue as it can be guessed that there was no independent Income Tax Department and it was placed under the Bazar Department (Rai, 2013:2). The Year 2008, the circular from the Central government stating income tax to the non-sikkimese people residing in Sikkim means who do not hold the domicile of the state from the assessment year 2008-09, income tax had already been paying tax to the state by the non-sikkimese

⁶ Report of Judicial Department, Government of Sikkim, 1937-38:1.

⁷ Notification No. 1861-961/J, Judicial Department, Income Tax Branch, Government of Sikkim, 29th June 1932.

people under the Sikkim Income Tax Manual 1948 along with the other domicile holder of the state. Now they are additionally being levied tax for this period under the Income Tax Act, 1961(Lepcha, 2009:5). According to the member of the AOSS, the amount of tax which they have been paying previously to the state will now be double if they have to pay to Central too. It is a burden and as well as double taxation if they accept to pay.

4.2.3. Legal course of Old Settlers Identity

1. Petition in Rajya Sabha Petition Committee the petition to seek equal rights and exemption of Income Tax and to safeguard the rights of bonafide Indian National Citizens residing in Sikkim before the merger is filed and accepted by the Rajya Sabha Petition Committee. The Committee was to visit Sikkim and conduct the hearing of affected citizens on 21st September 2011 but because of a massive earthquake in Sikkim on 18th September 2011 their visit was cancelled. The committee again was supposed to visit Sikkim on 16th of September 2012 for final hearing to reach upon conclusion but the visit was again cancelled due to imposition of code of conduct due to Panchayat elections. The decision of the committee is still pending which is due any time from now.

2. Representation to Hon'ble Finance Minister, Govt. of India A representation from the affected citizens were submitted to the then Honb'le Finance Minister vide letter on 14.12.2011 (Annexure 1) and on hearing upon our grievances we were assured by him to look into the matter for consideration of Indian Income Tax exemption to the left out old settlers of Sikkim. The Honb'le Minister made a statement on record and assured in the Parliament on 12/12/2011 that "So far as Sikkim is concerned, I am receiving representations and some representations I have already received. I am looking into it." (Annex2) when the issue was raised by the Shri. S. S. Ahluwalia, Member Rajya Sabha. As informed to us the matter is under active consideration and results awaited.

4. Representation to Income Tax Department, Sikkim and in Siliguri There were memorandums submitted to various IT officials but no action or even reply has been received from their end.

5. Situation of Business Communities settled in Sikkim after post merger. The extension of Indian Income Tax has not only created havoc amongst the Old Settlers but it has been very difficult for the post merger business communities to adopt the act. The Income tax

manual 1948 was followed until 16/06/2008 and the post merger settlers were following it for almost 33 years. The calculations were very simple. The complexity of the taxation rules as per Income Tax Act 1961 has to be well taught to all for successful implementation of same. Moreover large numbers of businessmen have already paid their taxes up to the financial year Hindustan Times The Association of Old Settlers Of Sikkim, which contended that the collection of the tax was discriminatory and violated Article 15 of (prohibition against discrimination) the Constitution, stated the exemption was granted subsequent to an amendment ... SC stay on Sikkim tax dues (Telegraph, 4th July, 2013).s

Since decades the business communities have been running their businesses in Sikkim as Hindu Undivided Family (HUF), everything is in the name of Head of the family. The assets and income actually belong to all members of the family. No tax planning has been done as it is done in other parts of the country. All matters pertaining to Central Income Tax for pre merger business communities i.e. a person residing in Sikkim prior to 26th April 1975 is kept in abeyance until the matter and demands from the affected citizens to the various forums as stated above is resolved. The community at large is waiting for its long pending demands made to the concerned authorities and final conclusion from there end is still awaited. It is also submitted that the issue here is not related to Income Tax but is demand for their legitimate rights and to safeguard their identity (ibid: 3).

4.3. Data Analysis and Interpretation

4.3.1. Profile of the Sample

This study attempts to include all the major variables such as gender, age, education level, occupation, language and place of origin of the respondents. This study tries to make sincere attempt to bring out the truth on the dynamics of Identity politics of Old Settlers in Sikkim in different region like social, political, and economy. For understanding these issues, the sample population was taken from Sikkimese people (Subject holders) and Old Settlers community.

Table 4.3.1: Composition of the Sample

Old Settlers	Sikkimese (domicile Holders)	Total
50	50	100

Source: Field Work, 10th November-10th December, 2014.

For the sample population among the two groups such as Old Settlers and Sikkimese people (domicile holders) purposive sampling was used. Total sample size is 100 having 50 each group respectively.

Table 4.3.2: Age of the Respondents

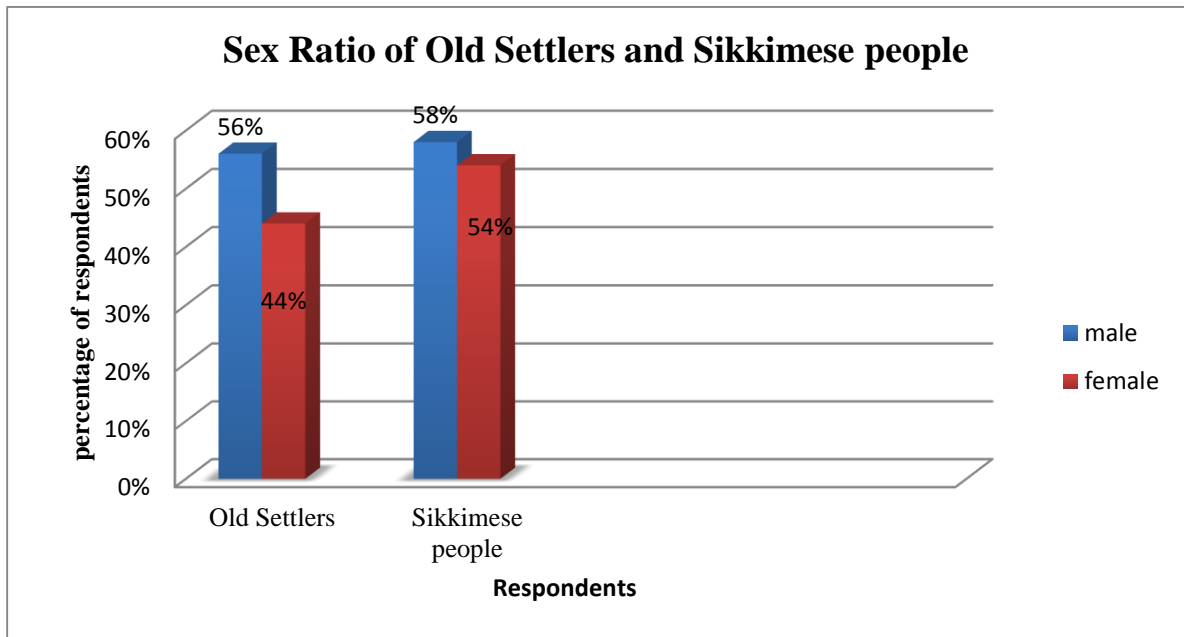
Age	Old Settlers	Sikkimese	Total respondents	Percentage
25-35	3	24	27	27%
35-45	7	4	11	11%
45-55	18	11	29	29%
55-65	8	6	14	14%
65 above	14	5	19	19%
Grand total	50	50	100	100%

Source: fieldwork 10th November-10th December, 2014.

The above table indicates the total distribution of age group which is among two sections of respondents. One section is from the Association of Old Settlers of Sikkim and the other is the Sikkimese people⁸. About 29 percent of total respondents from both the section belongs to the age group of 45-55 years which shows that this middle-age group has high involvement of participation in taking up matter to the court and they have been actively Whereas, 19 percent of respondents belong to the age group of 65 above which is the third highest age group showing the active participation in the issue of Tax exemption this particular age group is the senior citizen who despite of their demands for the rights of their business community.

⁸ The Sikkim Subject Holder refers here as Sikkimese people.

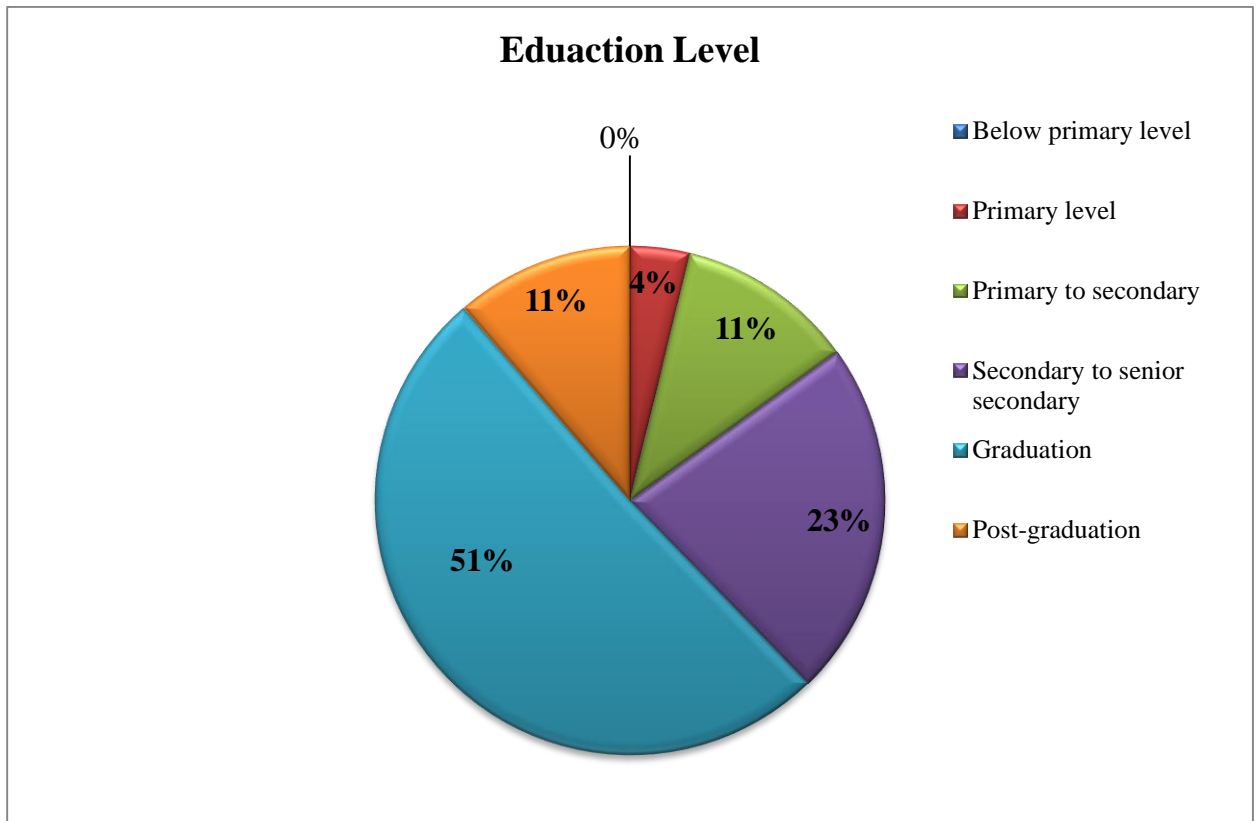
Figure 4.3.3: Sex of the Respondents



Source: Field Work 10th November-10th December, 2014.

The above figure indicates that majorities of male respondents are 56 percent and 44 percent of female respondents respectively. There is no sign of unequal distribution of sex ratio because the business community prefers to keep women engaged in business and there is not much gap of difference in percentage between the male and female respondents.

Figure 4.3.4: Education of the Respondents



Source: Fieldwork 10th November- 10th December, 2014.

The above figure explains the education level among the Old Settlers that constituted 51 percent of respondents holds the degree of Graduation which is a clear symbol that they were highly educated and most of the business settlers not only gave emphasis on their business but equally qualified themselves for the better accountancy in the job. There are about 11 percentages of respondents who have qualified in post-graduation level marks that they preferred to increase their education level and get equipped with more knowledge and setup their chain of business with advancement.

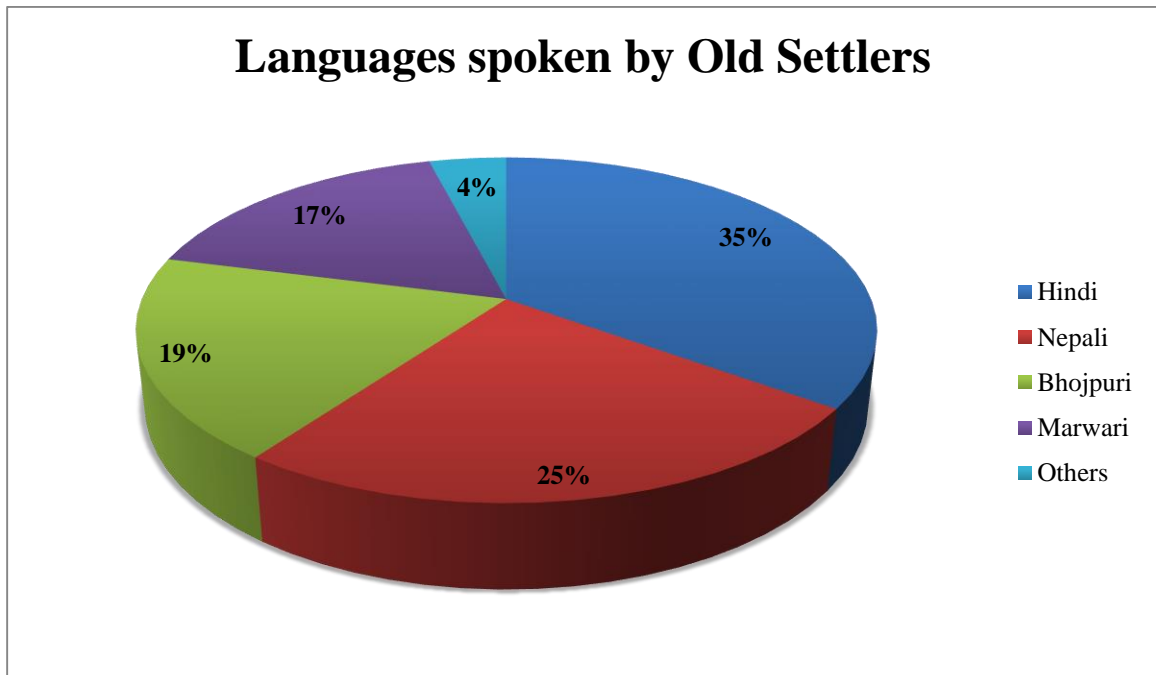
Table 4.3.5: Occupation of the Respondents

Occupations	Old settlers	Sikkimese	Total respondents	percentage
Private sectors	9	5	14	14%
Government sector	3	26	29	29%
Business sector	33	11	44	44%
Others(semi-private, unemployed and studying)	5	8	13	13%
Grand total	50	50	100	100%

Source: Fieldwork 10th November-10th December, 2014.

The Table 4.3.5 explains various types of occupation sectors where Old settlers and Sikkimese people have been employed. Mostly forty-four percent of respondent belonging to Old settlers and Sikkimese have been involved in business sector which indicates that most of the people in Sikkim are engaged in business such as cloth shops, showrooms, groceries, liquor shop, restaurants, hotels business and many more, there are innumerable supermarkets and chains of hotels which makes Gangtok main hub for tourist attraction too. About twenty-nine percent of respondents have been employed in government sector which includes both State and Central jobs like the majority works in banks, offices, courts and some in schools. The respondents who are of government employment feel secured and enjoy the perks with good amount. There seems to be almost twenty-six respondents who belongs to Sikkimese (domicile holder) works under state government whereas, only three respondents from old settlers works in central government as they do not hold domicile of the state and mostly works in banks and schools.

Figure 4.3.6: Language of the Old Settler Respondents



Source: fieldwork 10th November-10th December 2014

Figure 4.3.6 shows that thirty-five percent respondents preferred to speak in Hindi, which shows that they feel comfortable in interacting with the people in Sikkim as it is easy to understand for other communities like Nepali, Bhutia and Lepchas whereas twenty-five percent respondents preferred to speak in Nepali language as they said that they have been hearing people speak Nepali since their childhood and even at their homes it is easy for conversation, they have become used to this language and its quite difficult for some to speak on their own mother tongue. Only nineteen percent of old settlers answered that Bhojpuri is there main language whereas, seventeen percent speak in Marwari but rarely, only if they have their relatives from outside state. It is quite easy for them to speak in other language especially in Nepali and Tibetan as they had to carry their business and speaking fluently would help them attract customers and sell their products. Some of the senior citizen from Old Settlers spoke and understood Tibetan too. Very few people who constituted only four percent spoke in other languages such as Bengali, Haryanvi etc. From this figure, it can be extracted that Nepali and Hindi languages are dominant in the state.

CASE STUDY:

A respondent says that Old Settlers are now facing a challenge where the solution can only be sought with the intervention of Supreme Court. After having spent many generations in the state they have been deprived of equal status in comparison to other communities like Bhutia, Lepcha and Nepali of Sikkim. Another respondent said that he has seen his “grandparents live peacefully but his children has to suffer despite being born and raised here”. He also shares that “Chogyal ko palo ma testo theyna, hami sabai ekai thiyo” (During the reign of Chogyal there were no differences between us and unity prevailed in the society).

While talking about the earlier days of Mr. Das, he mentions about their cordial relations with the state, his enterprising and pioneering grandfather who created history by being the first person to establish the famous firm ‘Mohanlal Dulichand’. They were also the first patrons of Pemayangtse monastery situated in Pelling, West Sikkim. For many generations their families dutifully paid income taxes to the government of Sikkim and continue to do so even today. However, there is a certain sense of deprivation and resentment brewing amongst the old settlers in Sikkim because of the levy of taxes imposed by the Central Government upon those who do not hold a domicile of the state; whereas the ones who hold the domicile are exempted from paying taxes.

Table 4.3.7: Place of Origin of Old Settlers

Places	Respondents	percentage
Bihar	15	30%
Haryana	27	54%
Sikkim	02	4%
Rajasthan	23	46%
West Bengal	03	6%
TOTAL	50	100%

Source: fieldwork 10th November-10th December, 2014.

The above table 4.3.7 shows the number of respondents' who have migrated from their ancestral place to settle in Sikkim. Around 54 percent have shifted base from Haryana which lies in the northern part of India where the majority of population belongs to the Marwari community. The respondents are also quick to add that the place they left behind no longer remembers them for they have lived in Sikkim for many generations now and consider and accept this Himalayan state to be their homeland. Almost 30 percent of respondents have come from Bihar, 46 percent from Rajasthan, 6 percent from West Bengal, and from these three states only West Bengal shows a relatively low percentage in terms of mobility because the number respondents have settled in Darjeeling, Kalimpong and Siliguri for easy access to business. Only 4 percent preferred to call Sikkim as their place of origin because they did not want to be questioned on their identity.

Table 4.3.8: Respondents' Demands apart from Tax Exemption:

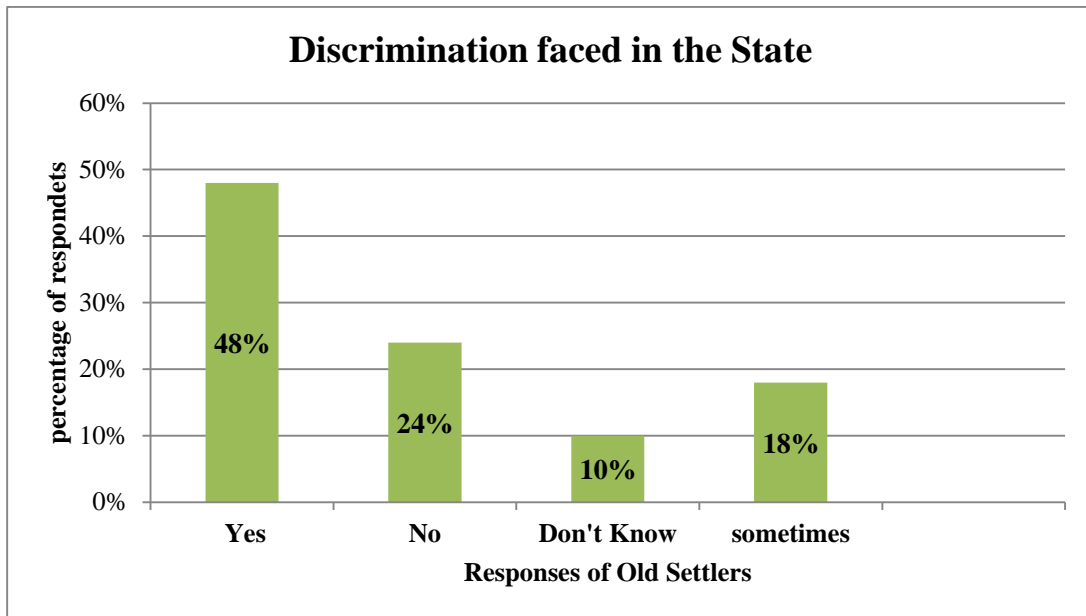
Demands apart from Tax Exemption	No. of Respondents	Percentage of respondents
Education	04	8%
Health	07	14%
Environment for business	11	22%
Treat at Par	16	32%
Political rights*	12	24%
Total	50	100%

*indicates that they should be given right to make decision in politics.

Source: fieldwork 10th November-10th December, 2014.

The table 4.3.8 demonstrates that the demands of respondents apart from the Tax exemption is equal education, health facilities, healthy environment for business, treat at Par with political rights of Sikkimese. About 32 percent of respondents agreed to have equal treat at par in the state which would help them to live freely in the state without any discrimination whereas, only 8 percent of respondents felt that uniform education for their children as compared to other domicile holder who have amenities like scholarships, no school fees, and school uniform are also available to them. Only 14 percent of respondents demanded for better health facilities in the health centre and hospitals and for major treatment they should also be given some funds from the government. Around 24 percent of respondents replied that they should be given political rights such as having seat at legislative assembly and decision making in the state. Above all, the Old Settlers demand for good environment for business which is their only occupation in the state, they feel that their business is at risk as they have been devoid of citizenship rights and their motive to have tension free business in the state and not to hinder the peaceful lives of the state.

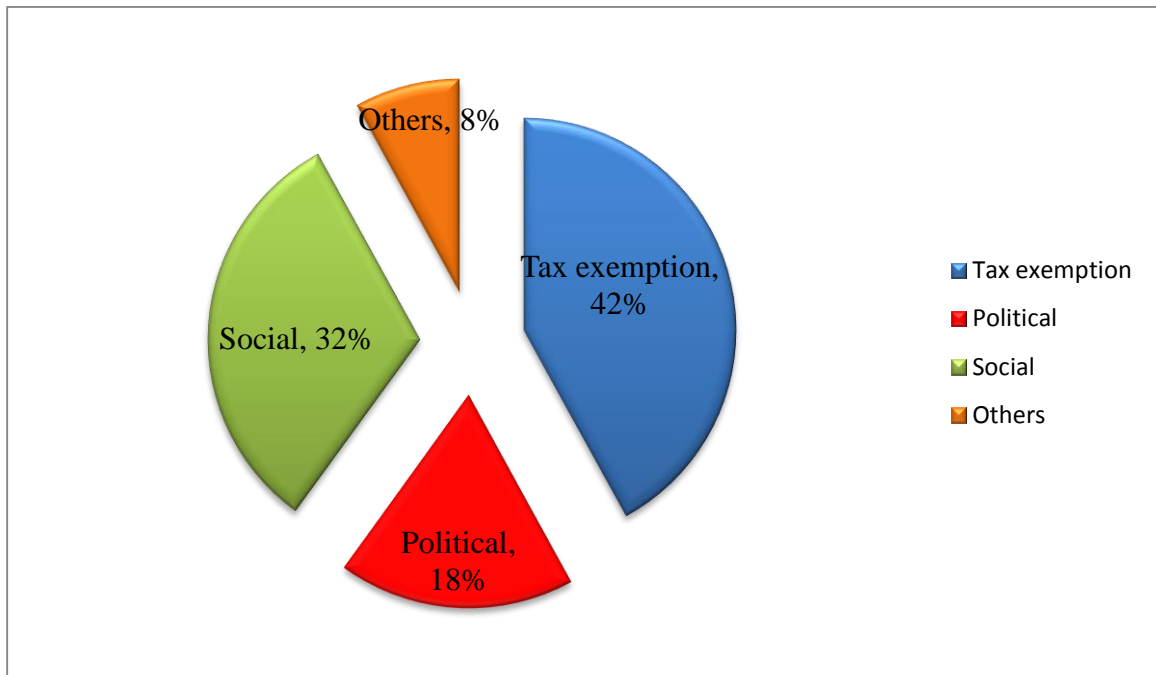
Figure 4.3.9: Feeling of inequality of the Old Settlers:



Sources: Fieldwork 10th November-10th December 2014.

Around forty-eight percent of respondents said 'yes' which shows that they have faced discrimination in the state whereas, twenty-four percent of respondents answered 'no' signifies that only half percent of the total respondents have faced and eighteen percent of population confronts that only at times they have been discriminated.

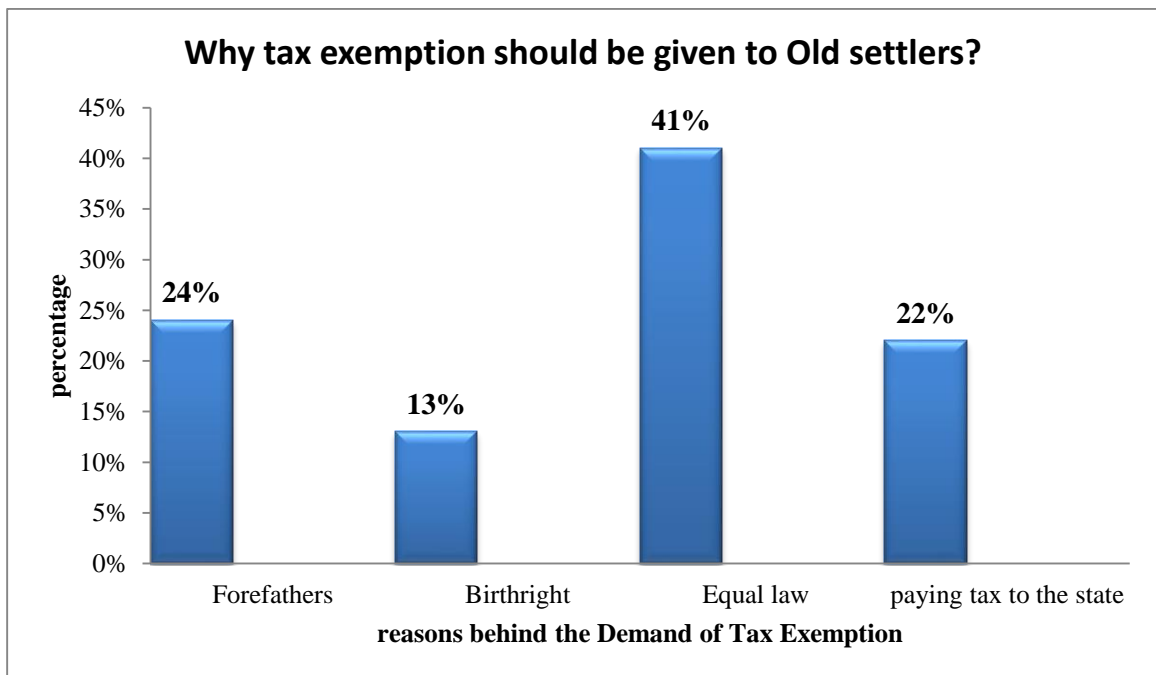
Figure 4.4.10: Types of Discrimination faced by Old Settlers



Source: Fieldwork, 10th November 10th December, 2014.

The figure 4.4.10 indicates the types of discrimination such as Tax exemption, Social, Political and Other are faced in the state. About forty-two percent responses were Tax Exemption which is the highest percentage compared to other discrimination which clearly signifies that they only felt discriminated when it comes to Economy whereas, in case of social and political discrimination were comparatively low almost thirty-two percent and eighteen percent respectively. They also felt that social discrimination was basically an unequal treatment of their children in schools, schools fees were levied, new license of the shops restricted. Only eighteen percent of respondents faced political discrimination-those who are not exempted tax in absence of Certificate Of Identification (COI) are rarely taken into consideration in Politics. They are not considered to be par in political contestation in the state. Others constitute only eight percent of respondents who have the opinion that their children are not entitled to have the benefit of several subsidies and scholarship schemes in educational institutions in state. Similarly, they responded that they are deprived of Public Distribution System (PDS).

Figures 4.4.11: Respondents' opinion on Tax exemption issue



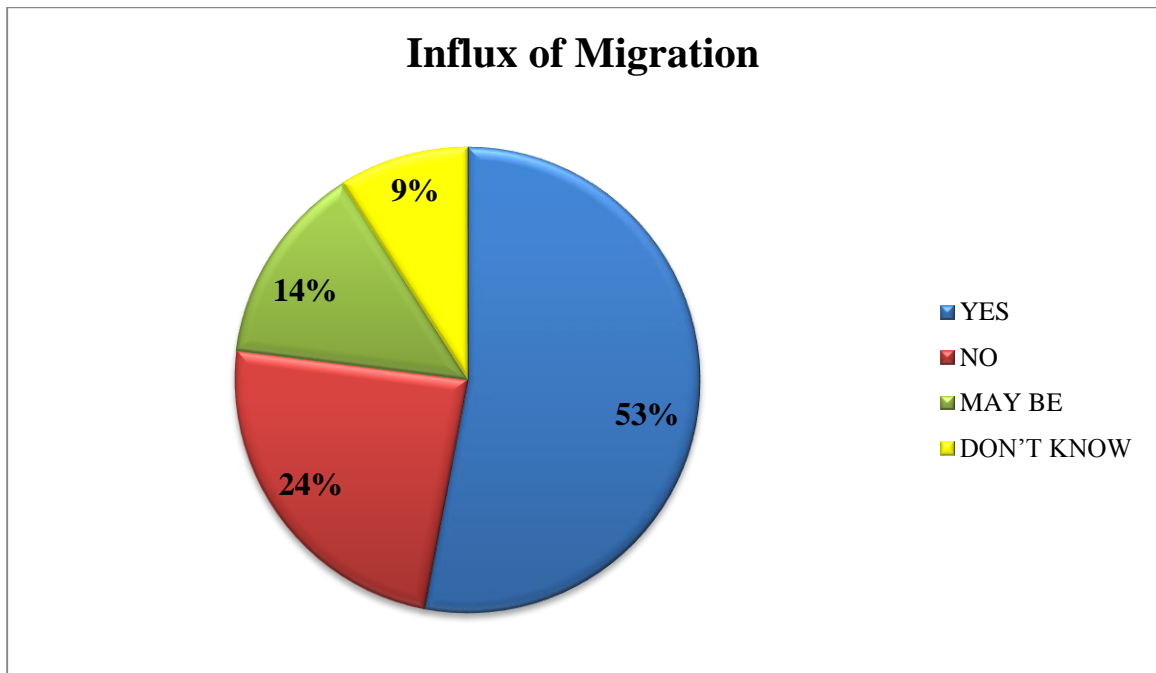
Source: Fieldwork, 10th November-10th December, 2014.

Figures 4.4.11 points out the reasons behind their demand on Tax exemption where majority of respondents which constitute about forty one percent have said that they demand for equal law in the state, they feels that there should not be any discrimination against the citizen of the state. And preferred to have tax exemption to all or provide equal law on payment of income tax to Central government. Old settlers feels that the community which has been part of Sikkim since the day of period before 1975. In 1975,when Sikkim became part of India the three major communities⁹ have been within the purview of article 371(F) of Indian Constitution but Old Settlers are not yet which nullifies the right to equality in the state. About twenty-two percent of total respondents argue that they are paying tax for the welfare of the state along with the other communities but only they are the communities in the state who are levied on Income Tax from the Central government creating double burden upon them to creating a non-sikkimese perceptions over them. Twenty-four percent respondents have argued that they are in state since the days of forefathers who contribute in booming the economy of the

⁹ Bhutia, Lepcha and Nepali are considered as the three major communities in Sikkim.

state throughout history. Around Thirteen percent of the total respondents have the argument that they are born and brought up here in the state from the forefather who failed to flourish the economy of the state which strengthens their claim to be treated as bonafide Sikkimese.

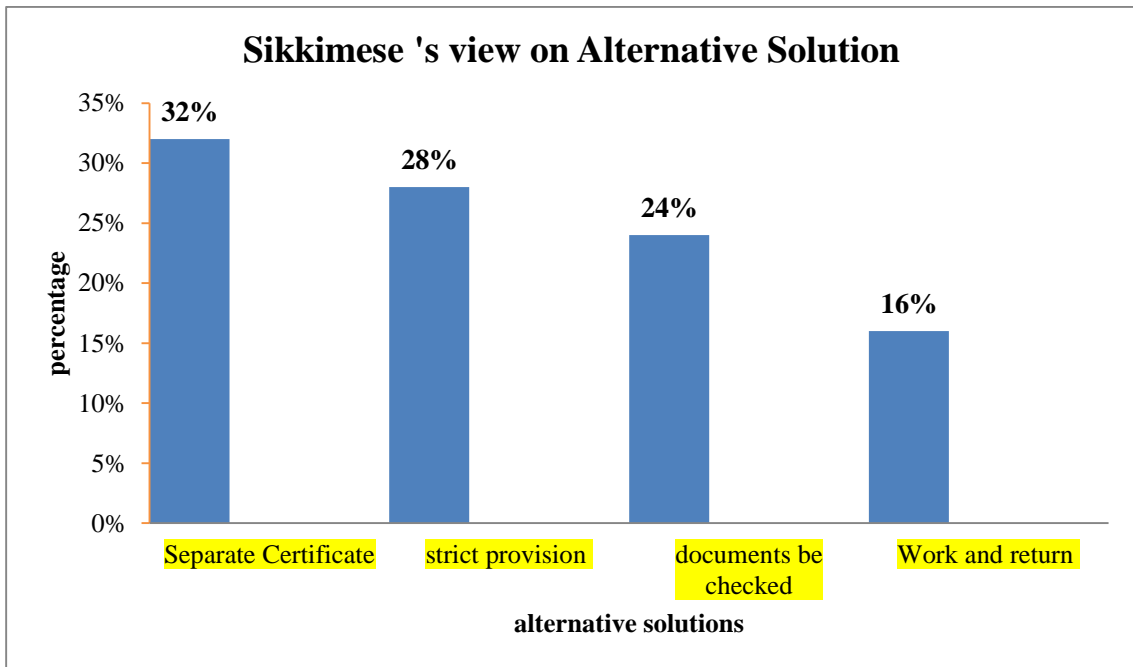
Figure 4.4.12: Sikkimese view on increase in the influx of Migration



Source: fieldwork 10th November-10th December, 2014.

The figures 4.4.9 show views of Sikkimese people (domicile holder) on the increase of migration from other states and almost 53 percent of respondents agreed to it. Around 24 percent of respondents did not agreed as they said that strict rules and check on migration by the Sikkim Government and they did not feel that there is increase, they also said that they may be there might be little increase in migration but large scale cannot be seen with naked eyes. 9 percent of population is not aware of the migration in the state, as they are busy in their household chores. The influx of migration is the only factor that majority of Sikkimese fear because it is said the people from outside the state would take up their jobs and make them suffer as this is a small state and only few opportunities are available.

Figure 4.3.13: Sikkimese view on Alternative Solution to the influx in the state.



Source: Fieldwork 10th November-10th December, 2014.

About sixteen percent of total respondents of this category have opinion that Old Settlers should be given Stay Certificate without the status on equal to Sikkimese indigenous communities. Whereas, thirty-two percent of respondents argued that Old Settlers should be issued separate Certificate since they had do not hold COI. The respondents substantiate their argument saying that the Old Settlers Community is historically a part of Sikkim identity and hence should issue certificate which allows them Sikkimese identity. Twenty two percent respondents says that there should be strict rules on influx and legal rules should be made which should be followed and no false COI should be issued and only the authenticate signature be considered failing to do so may lead to the greater risk in future of the state and its people. Similarly, Twenty-four percent of respondent preferred to have all the documents be checked thoroughly and enquiry of all the domicile holder should also be checked which would help to distinguish the false certificate and the original certificate respectively.

4.4: Analyzing the data

The research and its findings were divided into two communities of Old Settlers and the Sikkimese (SSC holder). It looks into the many social, political and economic aspects of the communities. The social sphere was sub-divided into various segregations of education, sex ratio occupation and social discrimination. The study's second category i.e. 'political' probed into the political alliances that the Old Settlers may have with any of the parties of the region. It also looks into the possible Governmental intervention and measures undertaken pertaining to their issue of Tax exemption and identity issue. The third category studies the economic element and within its purview, the study is further divided into two segments: Income Tax and employment opportunities.

4.4.1. The Social Aspects

Education: About 51 percent of the old settlers were graduate degree holders while twenty three percent constituted those who were educated up to the secondary to senior secondary. The study shows that the Old Settlers had no difficulties when it came to accessing education and other related facilities quite evidently, much preference was given to higher education and the completion of the same which in turn would be helpful for continuing their business lines. Education would then make the transition phase smoother for the Old Settlers by attaining quality education and then subsequently engaging in business activities. A small 11 percent constituted of those who received post graduation and a measly 4 percent could only complete education up to the primary level.

Sex Ratio: Among the individuals interviewed, it was found that the male respondents constituted about 56 percent while the female respondents constituted 44 percent. Quite noticeably, the sex ratio isn't too glaring an issue. One of the plausible reasons for this is because of the willingness to engage women folk in business by the community.

Social Discrimination: About 48 per cent of the old settlers have claimed that they had to face discrimination on various grounds while about 24 per cent responded that were not confronted with any sort of discrimination from the people and its state. The rest 10 and 18 per cent were somewhat vague in their stances. The former could not answer the question and the latter sometimes were subjected to such differences and discrimination.

4.4.2. Political Aspect

One of the chief reasons for the community to subscribe themselves to the regional political parties is because of the tax exemption issue. A large per cent of respondents (about 48 per cent) thinks that the Income Tax issue is a political one but so far they have only received false verbal assurances from the political bodies without any concrete action or initiatives. A partial portion of the community (about 24 per cent) disagrees with the view that it is purely political because they had been subjected to social alienation post the filing of the petition in court therefore making the issue, a social one rather than political. However, another group of respondents had mixed views on this and said that instead of isolating the social from the political, it is more of a blend of the two that one needs to confront with while dealing with concerns like this.

4.4.3. Social Aspect of the Sikkimese indigenous community (respondents in the study)

Sex Ratio: As per the findings, there seems to be hardly any gaping discrepancies between the male and the female ratio. The research conducted found that the males constituted about 58 per cent and the females 54 per cent.

Alternative Solutions by Sikkimese (domicile holder): The Sikkimese differed in opinions when it came to redressing the issue of the outsiders. About 32 per cent said that they (outsiders) should be issued a separate certificate while 28 per cent said that strict provisions should be implemented in order to deal with the outsiders effectively. 24 percent was of the opinion that the documents should be checked before they are allowed to set-up business or any other activity. The remaining 16 per cent were of the opinion that they should be allowed to stay only for the work/business period and then made to leave when the period gets over. Thus, the final conclusion from this study can be made that SSC holder are against the entry of the outsiders like people from plain areas as they perceive threat from them and its harm to their indigenous culture.

Conclusion

This chapter deals with the detailed study on the formation of the Old settlers' identity in the state. Through the interpretation and analysis of data which were collected from the study operation area, it is accumulated to understand the core issues associated with the Old Settlers Identity mobilization and Conflict in the state. The core issues are the social, political and economic aspects of Old settlers. The study analysed that the Old Settlers have been facing discrimination in the state whether in the form of social, political and most importantly economical, these communities mostly engaged themselves in business occupation and only few are in private sector.

They inherit their forefathers' property and prefer to continue their business. Most of the people from business community have been qualified up-to post-graduation level and graduation, which shows that they give much preference to education and financial assistance was not much problem to them, some also studied abroad in reputed colleges. They have no issues on economic sources as they have flourished well in Sikkim due to their age hold business lines and some of the popular ones are- Sarda Enterprise, Gupta Tea House, Old Darjeeling stores, Rahul's fast-food, and hardware shops in M.G. Marg. The owner of these shops has the advantage that it is located in the main capital of the state and tourist attraction. They claim that have been living in Sikkim since the pre-merger and it is their right to the citizenship Act they want to acquire a uniform citizenship and secure a establish status for the coming generation from being at the risk of no citizenship. Though their demands initiated on the notice from the Central Government on Tax exemption but their main motive has been far beyond their demand on equal laws in the state. The remaining findings of the study have been discussed in details and summarization of whole chapters has been addressed coherently in the next chapter.

Chapter V

Conclusion

Issue of identity is a matter of great concern for the Government of India and its several federal units. Various ethnic groups have been struggling either for special constitutional safeguard or for the creation of separate political entities on the basis of their lingo-cultural identities. The various brands of identity politics since the colonial days have served to create the basis of exclusion of groups, resulting in various forms of rifts, often envisaged in binary terms: majority-minority; sons of the soil'-immigrants; local-outsiders; tribal-non-tribal; hills-plainsmen. The threat to identity in socio-cultural, political and economic domains prepares the way for identity formation and mobilization. Unequal access to political, economic, social resources by different cultural groups can reduce individual welfare of the individuals in losing the groups over and above what their individual position would merit, as their self-esteem is bound up with the progress of the group. But of greater consequence is the argument over inequalities in resource access and outcomes, coinciding with cultural differences, culture can become a powerful mobilizing agent that can lead to a range of political disturbances, instances like in Uganda ,Malaysia, Chipas, Fiji, Kenya and Sri Lanka.

In India the most significant examples can be drawn from Maharashtra, Jharkhand, and Telangana and similarly in the states of north-east regions like- Assam, Manipur, Mizoram, Nagaland and Bodoland. These ethnic conflict situations have many dimensions which cannot be addressed through single perception.

As Francis Stewart has rightly pointed out, that Horizontal Inequality help an individual and group to find out the root causes of the ethnic conflict at national, global and regional level with the broad three measures such as- Socio-economic, Political and Cultural inequalities. He has divided people into groups in many ways – geographical, behavioral, language, physical characteristics. Those divisions have social significance – i.e. such meaning for their members and for others in society that they influence behavior and well-being in a significant way. Meaningful group identities are then dependent on individuals' perceptions of identity with a particular group – self-perceptions of those 'in' the group, and perceptions of those 'outside' the group. The question then is why and when some differences are perceived as being socially significant, and others are not.

Instrumentalists see ethnicity as being used by groups and their leaders in order to achieve political or economic goals. As Horizontal inequality is very much relevant in the case of Sikkim because the inequality among various communities and the loopholes in the post-merger which gave rise to competing identity dynamics. The uneven distribution of resources like employment, land and amenities has created the feeling of marginalization leading it to competition among the indigenous communities of Sikkim. Flipping the pages of history of Sikkim, it has given instances where the Nepalis constituted the majority whereas Bhutias and Lepchas being the original inhabitants constituted less population.

Similarly, the state having population about six lakhs constituted only fifty thousand people have Certificate of Identification (COI) which can clearly state that remaining population has issued false certificate for the easy access to benefits of the state. During the time of Nar Bahadur Bhandhari who was also known to be the chief architect of Sikkim and the second Chief Minister after L. D Kazi had filed a petition to the government in the petitions committee of Rajya Sabha for the issue of Sikkim Subject to large section of 'left-out people' who were mainly granted both Indian citizenship and by a convoluted operative portion of the directive also became "Sikkim Subject" although "Sikkim Subject status" was specifically repealed by the Central Government of India when Sikkim joined the Indian Union .

It also examines how the Sikkimese identity has been constituted in the contemporary society giving it a brief analysis of the history of Sikkim during the monarchical times and its political, cultural and economic uprising during the period of Chogyal. There was anti-monarchy party in Sikkim which demanded for written constitution, system of voting, electoral reforms, land and administrative reform. The usual competitions and conflict inherent the socio-economic dynamics of a multi-ethnic polity in the State. The Sikkimese polity was monarchical with democratic trappings until 1975, when Sikkim merged with India, the economy of the state purely depended on feudal agricultural society and multi-ethnic community was found in its social composition.

The preceding Chapters have tried to analyze the emergence of identity issues in a multi-cultural space. It has been discussed in the earlier chapters that how the need of identity mobilization is perceived. Issues discussed so far give insight that the feelings of

marginalization and threat to identity in socio-cultural, political and economic domains prepare the way for identity formation and mobilization. Comparison of one group with others with regard to social, political and economic position creates the situation of identity diversification within social and cultural boundaries. The politics of dignity and the search for authenticity have some seemingly invigorating features and some retrogressive ones.

It would be appropriate to summarize the history Sikkim for the background under which the issue of Old Settler started. Sikkim was a small kingdom and an independent country before it merged with the Indian Union in 1975. It was a protectorate country under India, and no amendments were needed as certain provisions were exclusively made for the State. Article 371F¹⁰ allowed Sikkim to maintain and protect its distinct identity within India. The Special Provision under Article 371F of Indian constitution protects special rights for the people of Sikkim. In doing this, the people of Sikkim were issued Sikkim subject. The subject rights were protected under the provision of article 371(F) of Indian constitution introduced by the 36th Constitutional Amendment 1975. This provided rights for many important provisions for the Sikkim subjects and provided a broad frame of rights out of several provisions made for Subject Holders.

A notable fact here is that a certain section of people had declined Sikkimese citizenship under the monarchy in 1960s and that section of the societies includes the group of Business community of Indian origin who had played major part in booming the economy of Sikkim during the monarchical system. These groups had denied accepting the Certificate of Identification (COI) issued to the then subjects of state in 1960. During the reign of Chogyal the Business communities of Indian origin were satisfied to be considered as Indian citizen rather than that of Sikkim.

The evolutionary process of state formation in Sikkim had encouraged the Business community to arrive in the region. Namgyal dynasty which ruled the state for over three hundred and thirty three years (333 years) promoted the entry of businessmen, traders and other people to accelerate economic growth. Especially when the state came to contact with British India, the number of families of Indian origin business communities

¹⁰ Refer Appendix III

increased. The British colonial rulers in India were extremely eager to open the trade routes to Tibet from Indian plains across the Himalayas of the then Sikkim. This had opened up Sikkim to new opportunities and acted as a pulling factor to the trading communities in the state. When British identified Sikkim as the weak link among the three Himalayan states i.e. Nepal, Bhutan and Tibet, opened up the Tibetan trade link. It was also noted that Sikkim ideally lay on the shortest possible route between Lhasa, the capital of Tibet and Calcutta, the British imperial and commercial capital in India. Colonial administration in India decided to initiate agriculture in Sikkim after the end of Anglo-Nepalese war of 1814-15. The colonial administration awarded a portion of territory to Sikkim which they annexed from Nepal during Anglo-Nepalese war 1815. Treaty of Titalia was signed on February 10, 1817 between the representatives of the British and the Sikkim Durbar by which, Sikkim agreed to the British adjudication with approval on trade route through Sikkim to other Himalayan region particularly, to Tibet. The monarch's approval allowed the entry of British India in the state encouraged them to construct roads, station their army, recruit coolies, seize runaway slaves, appoint court, councilors and control its external relations. The colonial India's business policy also arrived in Sikkim and promoted business community of colonial India to take advantage of Sikkim's unexplored business possibilities.

After the departure of Colonial government from India, Sikkim became the protectorate state under Indian surveillance. The foreign relation and the finance of Sikkim became major concern of Independent India. The Business communities of Indian origin received added possibilities to maintain their grasp over the business in Sikkim. Not only the colonial migrant business community stayed intact, the new migrants of Indian origin were also added with the section of business community in the state after Sikkim.

Considering the new changes in social demography during 1950s and 60s, the royal authority of state had decided to issue the COI to Sikkimese to locate the permanent subjects in the state and to avoid any possible crisis which might arise in future. The subject, who had contributed in development of socio-political and economic spheres of state were considered while awarding the COI as the permanent residential certificate. The business community of Indian origin who had reached Sikkim during colonial India

and early days of independent India were also considered for the entitlement of COI but, the community's happiness and satisfaction over the policy and pride of Independent India hardly allowed them to receive COI.

The community preferred to be a diasporic business community considering India as their homeland. Even during the democratic revolution of 1973, business community of Indian origin did not show much interest in political development in state but gave importance to the economy.

In 1975, the monarch rule of Sikkim was overthrown to avail the modern democratic structure in the entire sphere of state with full control over Indian sovereignty. The sovereign Sikkim became a federal unit of sovereign India with thirty-six amendment of Indian constitution in 1975. The amendment added section (F) to article 371 of Indian constitution to deliver special autonomy to Sikkim benefiting the permanent Sikkimese. In this juncture, the issue of COI floated out. The COI holder could avail the benefits of Article 371(F) of Indian constitution. Whoever came under article 371(F) were exempted from the payment of Income Tax that is being levied by Government of India. The business community of Indian origin who refused to surrender Indian citizenship in the process of Sikkimese identity formation through the distribution of COI during 1960s could not fall within the purview benefits entitled under Article 371(F) introduced by the government of India in the post merger Sikkim. Since then, the section of business community of Indian origin who have been residing in Sikkim from the period of erstwhile monarchy are identified as "Old Settlers" differentiating them from the newer business communities in the state who arrived at the state in post merger era.

With progress of state in socio-economic and political areas, the old settlers are aspiring to fall within the purview of Indian constitution's article 371(F) as permanent residential status of state. The elites from the Old Settlers community have been mobilizing their identity for justice of their community and share over resources in the state.

AOSS was formed to represent the old settlers and have filed a petition in Supreme Court of India. The language used as 'foreigner' to the Nepalis in the petition has added a tool of difference and confrontation between AOSS representative and people of indigenous

Sikkimese identity. Specially, the Nepali/Gorkha community, the dominant section of the societies showed disappointment in the language that was used in insight.

The move of AOSS is for the justice of historic business community living in the state since the days of monarchs' reign before the amalgamation of state in India. It can raise the cause of the community to which it sense the belongingness but, without questioning the nationality and the existence of identity of indigenous community. The denial to accept Sikkimese subject or Sikkimese citizenship that was/were issued during the monarchical administration keep the descendants of Old Settlers outside the purview of income tax exemption under the provision of article 371F. Hence, toots cause behind the exclusion of Old Settlers from the purview of tax exemption lies in history not in the nationality the Nepali/Gorkha, the indigenous community in the state to whom AOSS backlash as 'foreigners'.

In a democracy like India, AOSS obtains all democratic rights to raise the issue of the community it senses belongingness, which feels marginalization of bona fide rights. It is to understand that the constitutional rights may not be acquired questioning the legitimacy of nationality and constitutional rights of indigenous community.

Findings:

- Old Settlers found to compare their status with native communities in the state in-terms of socio-cultural, economic and political sphere.
- Though the economic status of Old Settlers is better than that of Sikkimese community, the parameter of income tax exemption led the feeling of marginalization among them.
- The formation of Old Settlers identity in contemporary Sikkim owes its origin to the sense of economic alienation by the preservation of Article 371 (F).
- There is a growing apprehension among the community (AOSS) members that economic alienation would have larger implication for them, as it gradually marginalizing them in other socio-political and economic sphere.
- Such marginalization has the potential to reflect upon larger disputes relating to resource sharing that would end on enlarging the conflict in near future. The

emergence of Old Settler's identity is just a partial reflection of a bigger gamut of contestation and consequent securitization.

- The competition of Identity Dynamics in Sikkim has led to the formation of mobilization and emergence of new ethnic groups.
- The group comparison brings them into certain result that Old Settlers are deprived in many cases such as governmental and non-governmental jobs, governmental beneficiary schemes and claim over resources.
- In the past Old Settlers missed the opportunity by denying the citizenship provided by the Monarch of Sikkim. The community member now feels that they want to acquire the citizenship and be termed as Sikkimese of Indian origin.

Policy prescriptions:

- The issue of Old Settlers should be addressed by the Central Government in such a way that it can curb the problem and help to safeguard distinct identity of Sikkimese.
- The Government should try to solve the problems and find an alternative solution to the issue raised by Old Settlers.
- New laws should be enacted that would redress the grievances of both the parties. I.e. Old Settlers and Sikkimese.

Scopes of further studies:

- The final verdict of Supreme Court over the issue of Income Tax Exemption and contestation in state will generate added scope for research.
- The variation on research backgrounds like Anthropology, Economic Sociology, Political Science, History and so forth may help in finding out a collective understanding and solution to curb out the existing disputes between the indigenous Sikkimese and Old Settlers without creating further problems in state.
- Destructive consequences those crafted by politics of Identity in India, particularly in its Northeastern region urges a constant involvement of

academicians, policy formulators through intensive researches to avoid similar consequences identity politics in Sikkim.

The state of Sikkim is at present is competing for identity dynamics. Sikkim in many ways is a unique case for historians, politicians and demographers for understanding the identity dynamics. The myriad identities and cultural groups indeed form a mosaic of a different kind. It is as much a challenge for the Old Settlers as it is for the government of the state. However, creating the harmony is much more difficult but it is necessary. Even more difficult is the task to protect collective identity and dignity of native and indigenous people. Therefore, this issue needs a critical examination and it should be addressed at the earliest for prevention of massive conflict in the years to come.

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Appendix I

QUESTIONNAIRE: [A] Sikkim Domicile holder

Name of the respondent _____

Age _____

Sex _____

Occupation: Pvt. Sector Business others

Educational Qualification: _____

Address: _____

1. Which identity proof do you use in the state? Voter's i.d.
 - i. Aadhar Card
 - ii. Pan card
 - iii. Certificate of Identification (COI)
 - iv. None of the above
2. From which place do your ancestors belonged?
 - i. Bihar
 - ii. Haryana
 - iii. Sikkim
 - iv. West Bengal
 - v. Rajasthan
3. When did you come to this place?
 - i. Prior 1884
 - ii. 1884-1984
 - iii. 1984-1975
 - iv. 1975 till date

4. Did you face any discrimination in the state?

- i. Yes
- ii. No
- iii. Don't Know
- iv. Sometimes

5. If YES, then what kind of discrimination?

- i. Tax Exemption
- ii. Political
- iii. Social
- iv. If others specify _____

6. Which language you speak mostly?

- i. Hindi
- ii. Nepali
- iii. Both
- iv. Others specify _____

7. How State Government has taken this Tax Exemption issue with the Central Government?

- i. Sociall _____
- ii. Politically _____
- iii. Economically _____

8. Why do you think that the tax exemption should be given to the people who were claiming as Old Settlers of the state (AOSS)?

Answer in details _____

9. How you have been putting your Tax Exemption to the State Government?

Please specify _____

10. What do you suggest the state Government for the Taxation policies be implemented into the State?

Answer in details _____

11. Will the Old Settler's issue emerge as a political or social matter?

Answer _____

12. How do you evaluate the formation of Association of Old Settlers of Sikkim (AOSS)?

Please explain _____

13. Does this Tax exemption issue have been treated by various political parties in Sikkim?

- i. Yes
- ii. No
- iii. Don't know
- iv. May be

14. If yes, then how is the political party treating the organization?

Please
answer _____

15. How do you access the implementation of Finance Act 2008 (sec-10)-26AAA?

- i. Fully Support
- ii. Support
- iii. Do not Support
- iv. Others

16. How the state Government can help the Old Settlers to come out of this issue?

Please Explain _____

17. What are the other issues the Old Settlers want from the State Government other than Tax Exemption?

Answer in details _____

Appendix II

QUESTIONNAIRE: [B] Old Settlers

Name of the respondent_____

Age_____

Sex_____

Occupation:

Govt. sector

Pvt. Sector

Business

Other

Educational Qualification_____

Address:_____

1. Which identity proof do you use in the state?
 - i. Voter's I.d.
 - ii. Aadhar Card
 - iii. Pan card
 - iv. Certificate of Identification (COI)
 - v. None of the above
2. Do you agree that most of the shops are being owned by the people outside the state?
 - i. Totally Agree
 - ii. Agree
 - iii. Disagree
 - iv. Fully Disagree

Do you think there has been an increase in the influx of migration from other states?

- i. Yes
- ii. No
- iii. May Be
- iv. Don't Know

3. If yes, then how have you been affected because of the people migrating from plains or other regions?

- i. Directly
- ii. Indirectly
- iii. Partially
- iv. Any other _____

4. What do you think that the skills and capacities of the Sikkimese people to take up the multi-national agencies?

Answer _____

5. Do you foresee any challenges or opportunity for Sikkimese identity?

- i. Yes
- ii. No
- iii. May be
- iv. Partially yes

6. If yes, then what challenges would the Sikkimese face in future?

7. Can exemption on Tax dry-out the probable ethnic conflict in Sikkim?

8. Do you agree that people who are claiming to be the Old Settlers of the State had denied the status during the Chogyal reign?

- i. Agree
- ii. Disagree
- iii. May be
- iv. Don't know

9. Do you think that the Tax Exemption should be given to the Old Settlers community of the state?

- i. Yes
- ii. No
- iii. Don't know
- iv. May be

10. In your opinion what should be the criteria given to the Old Settlers living in the state?

Please Explain _____

11. Do you feel the income of the non-Sikkimese residing in Sikkim is taxable?

Kindly

Answer _____

12. Do you feel that the discrimination is solely on the economic basis or Political basis?

Please Specify _____

13. Do you think that the AOSS community has been deprived of their rights?

Reasons

- i. Yes
- ii. No
- iii. Don't know
- iv. May be

Appendix III

SECTION 10(26AAA) SIKKIM, INCOME

FROM [SEC.10 (26AAA)]

Exemption to Sikkimese individuals - Vide Finance Act, 2008, a new clause (26AAA) has been inserted in section 10 of the Income-tax Act, 1961 ('Act') with retrospective effect from assessment year 1990-91. Under the said clause, the following income accruing or arising to a Sikkimese individual is exempt from tax—

- (a) Income from any source in the State of Sikkim; or
- (b) Income by way of dividend or interest on securities.

Income accruing or arising to a non-Sikkimese individual residing in the State of Sikkim continues to be liable to tax under the Act. In the case of such individuals, it has been decided that—

(a) For assessment year 2007-08 or any preceding assessment year, no assessment or reassessment shall be made with regard to the following income—

- (i) Income from any source in the State of Sikkim; or
- (ii) Income by way of dividend or interest on securities.

(b) In case any proceedings have been initiated for assessment year 2007-08 or any preceding assessment year for not filing the return of income, such proceedings shall be dropped.

(c) In case any assessment or reassessment proceeding has been initiated for assessment year 2007-08 or any preceding assessment year and assessment orders have not been passed, the aforesaid income shall be accepted as per the return.

(d) For the assessment year 2008-09 and subsequent assessment years, assessment or re-assessment, if required, shall be made in accordance with the provisions of the Income-tax Act, 1961.

These instructions shall apply only to non-Sikkimese individuals residing in the State of Sikkim - *Instruction : No. 8/2008, dated 29-7-2008.*

Appendix V

Sikkim Subjects Regulation 1961

(As amended vide Notification No. S/277/61 dated the 16d1 January, 1962, Notification No. S/252/65 dated the 26d1 July 1965 and Notification No. 790/H dated the 3rd December 1970).

HOME DEPARTMENT

NotificationNo.156/S-61

Dated Gangtok, the 3m July 1961

(Published in the Sikkim Darbar Gazette, Extraordinary, dated the 3m July 1961).

The following Proclamation of the Chogyal of Sikkim is hereby notified:

WHEREAS it is expedient to define clearly the status of Sikkim subjects and to make provision for acquisition and loss of such aforesaid status:

NOW, THEREFORE, The Chogyal of Sikkim has been pleased to make and promulgate the following Regulation.

1. Short title and extent-

- (i) This Regulation may be called the SIKKIM SUBJECTS REGULATION, 1961.
- (ii) It shall extend throughout the territory of Sikkim.

2. Commencement-

This Regulation shall come into force on such date as may be appointed for the purpose by the Chogyal of Sikkim.

3. Certain persons domiciled in Sikkim Territory at the commencement of the Regulation to be

Sikkim subjects-

1. Every person who has his domicile in the territory of Sikkim immediately before the commencement of this Regulation shall be a Sikkim subject if he:

- (a) Was born in the territory of Sikkim and is resident therein, or
- (b) Has been ordinarily resident in the territory of Sikkim period not less than fifteen years immediately preceding such commencement; provided that in the said period of fifteen years any absence from the said territory on account of service under the Government of India shall be disregarded; or (c) Is the wife or minor child of a person mentioned in clause (a) or clause (b) Provided that a person shall not be a Sikkim subject

under this section unless he makes a declaration to the effect that he is not a citizen of any other country at the time of inclusion of his name in the register of Sikkim subjects to be maintained under this Regulation: Provided further that in the case of a minor or a person of unsound mind, such declaration may be made by his guardian. Explanation: no person shall be deemed to have his domicile in the territory of Sikkim unless:

(i) He is a person who has made Sikkim his permanent home and has severed his connections with the country of his origin such as by parting with his property in that country or acquiring immovable property in Sikkim. Provided that a person shall not be deemed to have a permanent home in Sikkim if he indicates an intention of returning to his country of origin, by keeping a live interest therein even though he might have parted with his property in his country of origin and the mere parting of such property will not be regarded as proof of a person's having acquired a permanent home in Sikkim.

(ii) The wife and minor children of a person having his domicile in Sikkim shall also be deemed to have domicile in Sikkim for the purpose of this section.

(ii) In any case of doubt as to whether a person has his domicile within the territory of Sikkim under this section, the matter shall be decided by the Chogyal with the assistance of a Board consisting of persons to be appointed in accordance with the rules made under this Regulation.

4. Certain persons, though not domiciled in Sikkim, to be Sikkim Subject-

Any person, who has not voluntarily acquired the citizenship of any other country, though not domiciled in Sikkim, may, on an application made to the authority prescribed by the rules made under this Regulation by registered is a Sikkim subject if he is a person whose ancestors were deemed to the Sikkim subject prior to the year 1850.

5. Sikkim Subject by Descent:

Every person born after the commencement of this Regulation shall be a Sikkim Subject if at the time of his birth his father is a Sikkim subject under this Regulation, whether or not the birth takes place in the territory of Sikkim.

6. Status of women married to Sikkim subjects:

A woman of foreign nationality who is married to a Sikkim subject after the commencement of this Regulation shall ordinarily be eligible to be registered as a Sikkim subject, on making application therefore to the Government of the Chogyal in the manner

provided by rules under this Regulation, and after announcing her former nationality and on taking oath of allegiance. Provided that the Government of the Chogyal after giving a reasonable opportunity to the person of making a representation may refuse such application.

7. Certain persons not to be Sikkim subjects:

- (a) Any person who renounces his status as a Sikkim subject, or voluntarily acquires the citizenship of any other country, or takes an oath of allegiance to a foreign country or Ruler thereof without the consent of the Chogyal's Government; or
- (b) Any Sikkimese woman who marries a person who is not a Sikkim subject; or
- (c) Any person, other than a person referred to in section 4, who severs his connection with Sikkim such as by parting with his property in Sikkim and migrates to a place outside Sikkim and India after the commencement of this Regulation, or has not been ordinarily resident in Sikkim for a continuous period of seven years, shall thereupon cease to be a Sikkim subject.

8. Naturalised subjects:

- (i) The Government of the Chogyal may, if application is made to them in the manner provided by rules under this Regulation by any person of full age and capacity who at the date of the commencement of this Regulation is a national of another state but otherwise fulfills the requirements of section 3 of this Regulation to be a Sikkim subject, grant to him a certificate of naturalization if he renounces his former nationality,; and the person to whom such certificate is granted shall on taking oath of allegiance, and on his name being entered in the Register to be maintained under this regulation, be a Sikkim subject by naturalization from the date on which the certificate is granted
- (ii) If a certificate is granted to any person under the first foregoing sub-section his wife after renouncing her former nationality and taking oath of allegiance be granted certificate of naturalization.
- (iii) The Government of the Chogyal shall also have the power to naturalise a person upon application made therefore in the manner prescribed by the rules, provided that the Government of the Chogyal are satisfied that;
 - (a) He has been in the service of the Government of Sikkim for a period of not less than ten years immediately preceding the date of his application, or

(b) He has rendered meritorious service to the state; and the person to whom such a certificate is granted shall, on taking oath of allegiance, and upon his name being entered in the Register of Subjects, be a naturalized Sikkim subject from the date on which the certificate was granted;

(iv) The Government of the Chogyal may at the same time naturalise the wife and minor children of a person who is granted a certificate of naturalization if application thereof is made.

9. Loss and deprivation of Nationality- Loss of status of Naturalised Subjects:

A naturalized subject shall lose his status as a Sikkim subject if he ceases to reside ordinarily in the territory of Sikkim or fails to comply with any of the conditions subject to which the certificate of naturalization may have been granted to him and thereupon his name shall be removed from the Register of Sikkim Subjects.

10. Deprivation of status of Subjects:

Subject to the provisions of this section, the Government of the Chogyal may by order deprive any Sikkim subject who is such by registration under section 4 or by naturalization under section 8 of this Regulation of his status if the Government are satisfied that such, a subject:

(i) During any war in which the Chogyal or the government of India are engaged, unlawfully traded or communicated with an enemy or communicated with an enemy or has been engaged in or associated with business-that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(ii) Shown himself by act or speech to be guilty of disaffection or disloyalty towards the Chogyal or

(iii) Obtained the certificate of naturalization by fraud, raise representation or concealment of material facts;

(iv) Within five years of naturalization has been convicted of any offence in any country and has been sentenced to imprisonment for a term of not less than twelve months; and such a person shall cease to be a Sikkim subject with effect from the date on which such order of deprivation is passed; Provided that a person shall be afforded a reasonable opportunity of making a representation before an order of deprivation is made.

MISCELLANEOUS

11. Offence and Punishment:

Any person who for the purpose of procuring anything to be done or not to be done under this Regulation makes any statement which he knows to be false in material particulars or recklessly makes any statement which is false in material particulars, shall be liable in summary conviction to imprisonment for a term not exceeding two years.

12. Evidence of Status as Sikkim Subject:

The Government of the Chogyal shall prepare and maintain a Register of Sikkim Subjects in accordance with rules to be framed under this Act and the entry of a person's name in such a register shall be prima facie evidence of the person's status as a Sikkim Subject.

Provide that a person's name may be removed from the aforesaid Register of Sikkim Subjects and any certificate of status as a Sikkim Subject granted to him may be cancelled with effect from the date of the original grant when the Bard constituted under section 3(3) of Sikkim Subject Regulation is satisfied that the said person's name had been wrongly entered in the Register at any time and submits a finding to that effect to the Government of Sikkim.

Provided further that an appeal shall lie to the Chogyal against any such finding by the aforesaid Board.

13. Power to make Rules:

The Government of the Chogyal may make and promulgate such rules as may be necessary for carrying out the provisions of this Regulations.

14. Repeal:

All rules, regulations, orders and instructions hitherto in force in Sikkim territory in relation to the definition, acquisition and loss or deprivation of the status of Sikkim subjects are hereby repealed.

**TASHI NAMGYAL,
MAHARAJA OF SIKKIM**

By Order

**Sd .D. DAHDUL Chief Secretary,
Government of Sikkim**

Appendix VI

SIKKIM GOVERNMENT

GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok. May 16, 1975

No. 38

HOME DEPARTMENT

The Constitution (Thirty-six Amendment) Act, 1975 is published for general information.

“THE CONSTITUTION THIRTY-SIXTH AMENDMENT) ACT, 1975

(Assented on 16.5.1975)

AN

ACT

Further to amend the constitution of India.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of

India as follows:-

**Short title and
Commencement**

1. (i) This Act may be called the Constitution (Thirty-sixth Amendment Act, 1975.

(2). It shall be deemed to have come into force on the date on which the Bill for this Act (introduced in the House of the People as the Constitution (Thirty-eighth Amendment) Bill, 1975), as passed by the House of the People, is passed by the Council of States.

**Amendment of
First Schedule**

2. In the First Schedule to the constitution, under the heading “I. THE STATES”, after entry 21, the following entry shall be inserted, namely:-

“22 Sikkim the territories which immediately before the commencement of the constitution (thirty-sixth Amendment) Act, 1975, were comprised in Sikkim”.

**Insertion of new
Article 371 F
Special
provisions with
State of Sikkim**

3. After article 371 F of the Constitution, the following article shall be inserted **Article 371 F** namely:-

Special provisions “ 371 F. Notwithstanding anything in the Constitution- **With State of Sikkim**

(a) The Legislative Assembly of the State of Sikkim shall consist of not less than thirty members.

(b) As from the date of commencement of the constitution (Thirty-sixth Amendment) Act, 1975 (hereafter in this article referred to as the appointed day) –

(i) The Assembly for Sikkim formed as a result of the election held in Sikkim in April, 1974 with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;

(ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution and;

(iii) the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this constitution.

(c) in the case of the Assembly deemed to be the Legislative Assembly of the State of Sikkim under clause (b), the references to the period of five years in clause (1) of article 172 shall be construed as references to a period of four years and the said period of four years shall be deemed to commence from the appointed day;

(d) until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary

constituency for Sikkim;

(e) the representative of the State of Sikkim in the House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;

(f) Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim.

(g) the Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his discretion;

(h) all property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the appointed day were vested in the Government of Sikkim or in any person for the purposes of the Government of Sikkim shall as from the appointed day, vest in the Government of the State of Sikkim;

(i) the High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall on and from the appointed day, be deemed to be the high Court for the State of Sikkim;

(j) All courts of civil, criminal and revenue jurisdiction, all

authorities and officers, judicial. Executive and ministerial, throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provisions of this constitution;

(k) all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority;

(l) for the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of bringing the provisions of any such law into accord with the provisions of this Constitution, the President may, within two years from the appointed day, by order, make such adoptions and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, every such law shall have effect subject to the adaptations and modifications so made, and such adaptation or modification shall not be questioned in any court of law;

(m) neither the supreme Court nor any other court shall have jurisdiction in

respect of any dispute or other matter arising out of any treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor Governments was a party, but nothing in this clause shall be construed to derogate from the provisions of article 143;

(n) the President may, by public notification, extend with such restrictions or modifications as he thinks fit to the State

of Sikkim any enactment which is in force in a State in India at the date of the notification;

(o) if any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may, by order, do anything including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty;

(p) all things done and all actions taken in or in relation to the State of Sikkim of the territories comprised therein during the period commencing on the appointed day and ending immediately before the date on which the constitution

(Thirty sixth Amendment) Act, 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this constitution as amended by the constitution (Thirty-sixth Amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this constitution as so amended”.

**Amendment of
Fourth
Schedule.**

4. In the Fourth Schedule to the constitution, in the Table,-

(a) after entry 21, the following entry shall be inserted, namely:-“22. Sikkim

(b) existing entries 22 to 25 shall be renumbered as entries 23 to 26 respectively;

(c) For the figure “231”, the figures “232” shall be substituted.

**Consequential
Amendments**

5. The following consequential amendments shall be made in the Constitution, Amendments. Namely:-

(a) article 2A shall be omitted;

(b) in article 80, in clause (1), the words and figures “Subject to the provisions of paragraph 4 of the Tenth Schedule”, shall be omitted;

(c) in article 81, in clause (1), the words and figure “ and paragraph 4 of the Tenth Schedule” shall be omitted;
(d) the Tenth Schedule shall be omitted”.

Gangtok
16th May,1975

T.S. GYALTSEN
Chief Secretary,
Government of
Sikkim